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No. 1.] **BILL.** [1893.

An Act to amend the Act incorporating The Parry Sound Colonization Railway Company.

Preamble.

WHEREAS by an Act passed in the 48th year of Her Majesty's reign, chaptered 78, The Parry Sound Colonization Railway Company was incorporated; and whereas by an Act passed in the 51st year of Her Majesty's reign, chaptered 73, the said Act of incorporation was amended as well in other respects as in extending the time for the commencement and completion of the said road; and whereas the said company have commenced the construction of the said road and a large portion thereof has been completed and is in operation within the time limited by the said Act; and whereas the said company have prayed to have the said Act amended by having the time within which the said road is to be completed extended; and whereas by an Act passed in the 54th year of Her Majesty's reign, chaptered 92, certain amendments were made to the said Act, incorporating The Parry Sound Colonization Railway Company; and whereas the said company have prayed that the said last mentioned Act may be amended; and whereas it is expedient to grant the prayer of the said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for completion of line extended.

1. The time for the completion of the said line of railway is extended for the period of five years from the 29th day of March, 1893.

54 V. c. 92, s. 1, sub-s. 1, amended.

2. Sub-section 1 of section 27 of the said Act to incorporate the Parry Sound Colonization Railway Company as the said Act is amended by chapter 92 of the Acts passed in the 54th year of Her Majesty's reign is amended by inserting immediately after the word "company" in the seventh line thereof, the following words, that is to say, "or the Ottawa, Arnprior and Parry Sound Railway Company," and the said section, as amended, and the subsequent provisions contained in said section shall be construed as though the said words had been inserted at the time of the passing of the said Act.

No. 1.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act incorporating The Parry Sound Colonization Railway Company.

First Reading. 1893.

(Private Bill.)

Mr. SHARPE.

TORONTO
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 2] **BILL.** [1893

An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury.

Preamble.

WHEREAS the municipal corporation of the township of Collingwood, in the county of Grey and the corporation of the town of Thornbury, in the said county of Grey, did enter into a certain agreement bearing date the 5th day of September, 1892, which said agreement is set out in the schedule to this Act at length; and whereas the said corporations have by their petition prayed that the said agreement may be legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed.

1. So far as is within the jurisdiction of the Legislature of the Province of Ontario, the said agreement in the schedule to this Act set out is confirmed, declared to be valid and binding upon the parties thereto.

Power to pass necessary by-laws.

2. So far as is within the jurisdiction of the Legislature of the Province of Ontario, that the councils of the said municipalities shall have full power and authority and they are and each of them is hereby authorized and empowered to pass any by-law or by-laws and to do any and all acts which may at any time and from time to time be necessary for the purpose of carrying into effect the said agreement according to the spirit, true intent and meaning thereof.

SCHEDULE.

(*Section 1.*)

This indenture made in duplicate the fifth day of September, A.D. 1892, between the corporation of the township of Collingwood, in the county of Grey, of the first part, and the corporation of the town of Thornbury, in the said county of Grey, of the second part.

Whereas by an indenture of agreement dated the 11th day of November, 1887, and made by and between the said parties hereto, it was among other things in effect provided that the

wharf and harbour at the mouth of Beaver river, in the said town of Thornbury, should be under the joint jurisdiction and control of the said parties, and that all expenditures in connection therewith should be borne by the said parties in the proportion of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury, and that the proceeds arising from the said wharf and harbour should also be shared in like proportions; and whereas the said parties have since the date of the said agreement and in pursuance thereof jointly expended large sums of money in the construction of a storehouse adjoining the said wharf and in repairs to the said wharf and in the maintenance of the said harbour; and whereas the said parties desire to make better provision for carrying out the intention of the said agreement as hereinafter expressed and mentioned, and have agreed to pass such by-laws and procure such legislation as may be necessary to render this agreement valid and binding upon the said parties.

Now this indenture witnesseth that the said parties hereto of the first and second parts hereby covenant and agree each with the other of them in manner following, that is to say :—

1. The said wharf, storehouse and harbour at the mouth of Beaver river, in the said town of Thornbury, and all other works, buildings, lands, roads and easements now used and enjoyed, or that may at any time hereafter be acquired jointly by the said parties and used in connection therewith, shall be under the joint jurisdiction and control of the said parties hereto, and the said parties shall jointly have and exercise such jurisdiction and powers over and shall be subject to all such duties and responsibilities in respect of the same as are or may be conferred or imposed by the municipal or other laws of the Province of Ontario or of the Dominion of Canada, now in force or hereafter to come into force upon a sole municipality, in respect of any harbour within its limits or relating to said harbour and works specially.

2. Until further or other provisions shall be made by the said parties, the reeve and the first deputy reeve of the said township of Collingwood, and the mayor of the said town of Thornbury and their successors in office, shall be a joint committee on behalf of the said parties for the carrying out of all regulations made by the joint by-laws of the said parties hereto, respecting the said harbour and the re-building, repairing, maintaining and improving the same, and any building or buildings erected thereon, and the premiums of insurance thereon, and the collection of all rents, tolls and dues, and the general management of the said harbour, and each of the said parties may change or add to the number of the member or members representing them on the said committee, provided always that the said corporation of the township of Collingwood shall at all times have two such representatives for each one appointed by the corporation of the said town of Thorn-

bury; and the said committee shall have power from time to time to employ and hire such help as may be required to manage the said business and look after said buildings.

3. All expenditures in connection with the said harbour, including insurance premiums and salaries of employees as well as the cost of this agreement and the expenses of procuring the necessary legislation to render the same valid, shall be borne and paid by the said parties in the proportion of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury, and all proceeds from said works shall be shared by the said parties in the like proportions and the said parties shall also contribute in the like proportions to the payment of all damages, penalties, costs, charges and expenses which they or either of them shall incur or be put to, or which shall be recovered against them or either of them in respect of any neglect or breach of duty or any other matter or thing relating to the management of the said harbour by the said joint committee, each party, however, to pay the whole expenses of their own deputations, which may be sent to Ottawa or elsewhere in the interests of the said wharf; and the said joint committee shall keep proper books of account in which shall be entered under the proper heads, all expenses incurred by and amounts received by the said committee from any source whatever connected with the said works, and shall each year, immediately after the close of navigation and not later than the first day of December in each year, make out in duplicate a detailed statement of all such payments and receipts, and shall by said date certify to the same by their chairman, and deliver one copy to the clerk of each of the said municipalities, and thereafter in case the receipts are more than the expenses, shall pay to the parties entitled thereto their said proportion thereof.

4. In the event of the said storehouse being damaged or destroyed by fire, tempest or other casualty, the said parties shall forthwith re-build or reinstate the same in a good substantial workmanlike manner, equal in all respects to the present storehouse now erected at the said wharf, and will keep the said storehouse in good and substantial repair; and in case the said re-building or repairs shall not be commenced and prosecuted with all due speed within four months after a notice in writing, requiring the same to be done or prosecuted, shall be served by the members or member of the joint committee of the other party, then the members or member so serving said notice shall have power and authority to proceed with the said work, and the party whose member or members of the said committee shall so cause the said work to be done, shall have power to collect from the other party hereto their proportion of the cost of said work.

5. The said parties shall mutually pass by-laws for the

imposition and collection of tolls as hereafter (to be employed after the expenses of collection for the purpose of assisting in liquidating the debt incurred or which may hereafter be incurred in constructing, improving and keeping in repair the said harbour and the works connected therewith) on all goods, wares, merchandise and chattels shipped on board or landed out of any vessel, boat or other craft from or upon any part of the said Beaver river or elsewhere within the limits of the said harbour, also upon all logs, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or other craft entering the said harbour, in accordance with the provisions of any Act of the Dominion Parliament which is now or may be hereafter passed, and the said parties shall also pass joint by-laws to regulate the charges on goods, chattels or merchandise for the use of the said storehouse or any other building erected or to be erected on the lands of either of the said parties adjacent to said wharf, or for the use of the lands in connection with the said wharf and harbour.

6. The said parties shall proceed to obtain an Act of the legislature of the province of Ontario at the next session thereof, to confirm and render valid this agreement, and shall also proceed to obtain an Act of the Dominion of Canada at the next session of the parliament thereof, to confirm the said agreement, in so far as relates to matters in their control, for the granting of the power to levy tolls and harbour dues, as set out in the preceding paragraph hereof.

7. The said agreement of the 11th November, 1887, so far as the same relates to the joint control of the said wharf, storehouse and harbour, is hereby declared to be replaced by this agreement.

8. All disputes between the said parties in respect of this agreement or arising therefrom, shall be referred to arbitration under the provisions of *The Municipal Act.*

In witness whereof the said corporations have hereto affixed their corporate seals, and the reeve and mayor thereof respectively have set their hands.

(Sgd.) ARCHLD. CAMPBELL [L.S.
Reeve,

(Sgd.) E. RAYMOND, [L.S.]
Mayor.

Signed, sealed and delivered
in the presence of

Witness:
(Sgd.) EDWARD RORKE,
Clerk Town of Thornbury.

No. 2.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury.

First Reading, , 1893.

Private Bill.)

Mr.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 2] BILL. [1893.

An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury.

Preamble. WHEREAS the municipal corporation of the township of Collingwood, in the county of Grey and the *municipal* corporation of the town of Thornbury, in the said county of Grey, did enter into a certain agreement bearing date the 5th day of September, 1892, which said agreement is set out in the schedule to this Act at length; and whereas the said corporations have by their petition prayed that the said agreement may be legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed. 1. So far as the same relates to matters within the *legislative* jurisdiction of the Province of Ontario, the said agreement in the schedule to this Act set out is confirmed, *and* declared to be valid and binding upon the parties thereto.

Power to pass necessary by-laws. 2. The councils of the said municipalities shall have full power and authority, and they are and each of them is hereby authorized and empowered, to pass any by-law or by-laws and to do any and all acts which may at any time and from time to time be necessary for the purpose of carrying into effect the said agreement according to the spirit true intent and meaning thereof, so far as the same relates to matters within the jurisdiction of the Province of Ontario.

SCHEDULE.

(*Section 1.*)

This indenture made in duplicate the fifth day of September, A.D. 1892, between the corporation of the township of Collingwood, in the county of Grey, of the first part, and the corporation of the town of Thornbury, in the said county of Grey, of the second part.

Whereas by an indenture of agreement dated the 11th day of November, 1887, and made by and between the said parties hereto, it was among other things in effect provided that the

wharf and harbour at the mouth of Beaver river, in the said town of Thornbury, should be under the joint jurisdiction and control of the said parties, and that all expenditures in connection therewith should be borne by the said parties in the proportion of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury, and that the proceeds arising from the said wharf and harbour should also be shared in like proportions; and whereas the said parties have since the date of the said agreement and in pursuance thereof jointly expended large sums of money in the construction of a storehouse adjoining the said wharf and in repairs to the said wharf and in the maintenance of the said harbour; and whereas the said parties desire to make better provision for carrying out the intention of the said agreement as hereinafter expressed and mentioned, and have agreed to pass such by-laws and procure such legislation as may be necessary to render this agreement valid and binding upon the said parties.

Now this indenture witnesseth that the said parties hereto of the first and second parts hereby covenant and agree each with the other of them in manner following, that is to say :—

1. The said wharf, storehouse and harbour at the mouth of Beaver river, in the said town of Thornbury, and all other works, buildings, lands, roads and easements now used and enjoyed, or that may at any time hereafter be acquired jointly by the said parties and used in connection therewith, shall be under the joint jurisdiction and control of the said parties hereto, and the said parties shall jointly have and exercise such jurisdiction and powers over and shall be subject to all such duties and responsibilities in respect of the same as are or may be conferred or imposed by the municipal or other laws of the Province of Ontario or of the Dominion of Canada, now in force or hereafter to come into force upon a sole municipality, in respect of any harbour within its limits or relating to said harbour and works specially.

2. Until further or other provisions shall be made by the said parties, the reeve and the first deputy reeve of the said township of Collingwood, and the mayor of the said town of Thornbury and their successors in office, shall be a joint committee on behalf of the said parties for the carrying out of all regulations made by the joint by-laws of the said parties hereto, respecting the said harbour and the re-building, repairing, maintaining and improving the same, and any building or buildings erected thereon, and the premiums of insurance thereon, and the collection of all rents, tolls and dues, and the general management of the said harbour, and each of the said parties may change or add to the number of the member or members representing them on the said committee, provided always that the said corporation of the township of Collingwood shall at all times have two such representatives for each one appointed by the corporation of the said town of Thorn-

bury; and the said committee shall have power from time to time to employ and hire such help as may be required to manage the said business and look after said buildings.

3. All expenditures in connection with the said harbour, including insurance premiums and salaries of employees as well as the cost of this agreement and the expenses of procuring the necessary legislation to render the same valid, shall be borne and paid by the said parties in the proportion of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury, and all proceeds from said works shall be shared by the said parties in the like proportions and the said parties shall also contribute in the like proportions to the payment of all damages, penalties, costs, charges and expenses which they or either of them shall incur or be put to, or which shall be recovered against them or either of them in respect of any neglect or breach of duty or any other matter or thing relating to the management of the said harbour by the said joint committee. each party, however, to pay the whole expenses of their own deputations, which may be sent to Ottawa or elsewhere in the interests of the said wharf; and the said joint committee shall keep proper books of account in which shall be entered under the proper heads, all expenses incurred by and amounts received by the said committee from any source whatever connected with the said works, and shall each year, immediately after the close of navigation and not later than the first day of December in each year, make out in duplicate a detailed statement of all such payments and receipts, and shall by said date certify to the same by their chairman, and deliver one copy to the clerk of each of the said municipalities, and thereafter in case the receipts are more than the expenses, shall pay to the parties entitled thereto their said proportion thereof.

4. In the event of the said storehouse being damaged or destroyed by fire, tempest or other casualty, the said parties shall forthwith re-build or reinstate the same in a good substantial workmanlike manner, equal in all respects to the present storehouse now erected at the said wharf, and will keep the said storehouse in good and substantial repair; and in case the said re-building or repairs shall not be commenced and prosecuted with all due speed within four months after a notice in writing, requiring the same to be done or prosecuted, shall be served by the members or member of the joint committee of the other party, then the members or member so serving said notice shall have power and authority to proceed with the said work, and the party whose member or members of the said committee shall so cause the said work to be done, shall have power to collect from the other party hereto their proportion of the cost of said work.

5. The said parties shall mutually pass by-laws for the

imposition and collection of tolls as hereafter (to be employed after the expenses of collection for the purpose of assisting in liquidating the debt incurred or which may hereafter be incurred in constructing, improving and keeping in repair the said harbour and the works connected therewith) on all goods, wares, merchandise and chattels shipped on board or landed out of any vessel, boat or other craft from or upon any part of the said Beaver river or elsewhere within the limits of the said harbour, also upon all logs, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or other craft entering the said harbour, in accordance with the provisions of any Act of the Dominion Parliament which is now or may be hereafter passed, and the said parties shall also pass joint by-laws to regulate the charges on goods, chattels or merchandise for the use of the said storehouse or any other building erected or to be erected on the lands of either of the said parties adjacent to said wharf, or for the use of the lands in connection with the said wharf and harbour.

6. The said parties shall proceed to obtain an Act of the legislature of the province of Ontario at the next session thereof, to confirm and render valid this agreement, and shall also proceed to obtain an Act of the Dominion of Canada at the next session of the parliament thereof, to confirm the said agreement, in so far as relates to matters in their control, for the granting of the power to levy tolls and harbour dues, as set out in the preceding paragraph hereof.

7. The said agreement of the 11th November, 1887, so far as the same relates to the joint control of the said wharf, storehouse and harbour, is hereby declared to be replaced by this agreement.

8. All disputes between the said parties in respect of this agreement or arising therefrom, shall be referred to arbitration under the provisions of *The Municipal Act.*

In witness whereof the said corporations have hereto affixed their corporate seals, and the reeve and mayor thereof respectively have set their hands.

(Sgd.) ARCHLD. CAMPBELL [L.S.
Reeve,

(Sgd.) E. RAYMOND, [L.S.]
Mayor.

Signed, sealed and delivered
in the presence of

Witness:
(Sgd.) EDWARD RORKE,
Clerk Town of Thornbury.

No. 2.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury.

First Reading, 11th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

Private Bill.

Mr. Rorke.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] **BILL.** [1893.

An Act to consolidate the Debt of the Town of Bowmanville.

Preamble.

WHEREAS the corporation of the town of Bowmanville have by their petition represented that they have incurred debts and liabilities in the erection of school buildings, bridges and other public improvements to the extent of $66,500, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws; and whereas there is still due in respect of the said debentures the sum of $56,825; and whereas the payment of the said debentures as they mature has become unduly oppressive to the ratepayers of the said town; and whereas in addition to the said debenture debt the said town is further indebted in a floating debt to the extent of $8,000; and whereas the high school board of the town of Bowmanville has a debt of $1,200 which it was expedient that the said town of Bowmanville should assume, and they have so done; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by the said debentures and also those unsecured as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debenture debt of the corporation of the town of Bowmanville, in respect of which relief is sought as aforesaid to wit the sum of $56,825, and the said floating debt amounting to $8,000 and the debt of the high school board assumed by the said town amounting to $1,200 are hereby consolidated at the sum of $66,025; and it shall be lawful for the said the corporation of the town of Bowmanville to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate a sufficient sum or sums to retire the said debentures amounting to $56,825 as they respectively become due, and to pay off the said floating debt of $8,000 and the said debt of the high school board amounting to $1,200 not exceeding in the whole the sum of $66,025 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the corporation of the town of Bowmanville from time to time to pass by-laws providing for

the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being of the said town in such sums and not exceeding in the whole the sum of $66,025 as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province or in Great Britain or elsewhere and may be expressed in sterling money of Great Britain or currency of Canada as the said corporation may deem expedient.

Power to raise money on debentures.

3. The said corporation may for the purposes in section 5 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than forty years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon and such interest shall be payable half-yearly on the first days of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Bowmanville and in the payment of the said floating debt and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them.

Debentures, how payable.

7. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding forty years from the date thereof and so that the aggregate amount for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Outstanding debentures may be called in.

8. The treasurer of the said town shall upon receiving instructions from the council so to do, from time to time, but

only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Bowmanville to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

55 V. c. 42.

Treasurer to keep books showing state of debenture account.

11. It shall be the duty of the treasurer of the said town from time to time to keep and it shall be the duty of each of the members from time to time of the municipal council of the said town to procure such treasurer to keep and to see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which shall from time to time be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures, and such inspection shall be allowed free of charge.

Liability of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Bowmanville from any indebtedness or liability which may not be included in the said debt of the town of Bowmanville hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Inconsistent provisions in municipal Acts not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province which are or may be inconsistent with the provisions of this Act or any of them shall not apply to

the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Amount of debenture.

15. The said debentures shall be for a sum of not less than $100 each.

Short title.

16. This Act may be cited as "*The Bowmanville Debenture Act, 1893.*"

SCHEDULE "A."

(*Section 13.*)

CONSOLIDATED DEBT DEBENTURE, TOWN OF BOWMANVILLE, PROVINCE OF ONTARIO.

No. $

Province of Ontario, Town of Bowmanville, 1893.

Under and by virtue of the "Bowmanville Debenture Act" and by virtue of by-law No. of the corporation of the town of Bowmanville, passed under the provisions contained in the said Act, the corporation of the town of Bowmanville promise to pay to the bearer at in the sum of dollars on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Bowmanville, in the county of Durham, this day of A.D. 189 .

Mayor.

[L.S.] Treasurer.

SCHEDULE "B.

(*Section 13.*)

BY-LAW NO. TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE AUTHORITY OF THE "BOWMANVILLE DEBENTURE ACT, 1893."

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures," not exceeding the sum of $ in the whole as the corporation of the town of Bowmanville may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of (*or as the case may be*), with interest thereon at the rate of per cent. per annum, payable according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Bowmanville, according to the last revised assessment roll of the said town, being for the year one thousand hundred and was $

Therefore the municipal corporation of the town of Bowmanville enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

No. 3.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate the Debt of the Town of Bowmanville.

First Reading, , 1893.

(Private Bill.)

Mr. LOCKHART.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] BILL. [1893.

An Act to consolidate the Debt of the Town of Bowmanville.

Preamble.

WHEREAS the corporation of the town of Bowmanville have by their petition represented that they have incurred debts and liabilities in the erection of school buildings, bridges and other public improvements to the extent of $66,500, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws; and whereas there is still due in respect of the said debentures the sum of $56,825; and whereas the payment of the said debentures as they mature has become unduly oppressive to the ratepayers of the said town; and whereas in addition to the said debenture debt the said town is further indebted in a floating debt to the extent of $8,000, wholly incurred in rebuilding a bridge carried away by a flood; and whereas the high school board of the town of Bowmanville has a debt of $1,200 which it was expedient that the said town of Bowmanville should assume, and they have so done; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by the said debentures and also those unsecured as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debenture debt of the corporation of the town of Bowmanville, in respect of which relief is sought as aforesaid to wit the sum of $56,825, and the said floating debt amounting to $8,000 and the debt of the high school board assumed by the said town amounting to $1,200 are hereby consolidated at the sum of $66,025; and it shall be lawful for the said the corporation of the town of Bowmanville to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate a sufficient sum or sums to retire the said debentures amounting to $56,825 as they respectively become due, and to pay off the said floating debt of $8,000 and the said debt of the high school board amounting to $1,200 not exceeding in the whole the sum of $66,025 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the corporation of the town of Bowmanville from time to time to pass by-laws providing for

the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being of the said town in such sums not exceeding in the whole the sum of $66,025 as the said corporation may from time to time direct; and the principal sum secured by the said debentures and the interest accruing thereon may be *made* payable either in this Province or in Great Britain or elsewhere and may be expressed in sterling money of Great Britain or currency of Canada as the said corporation may deem expedient.

Power to raise money on debentures.

3. The said corporation may for the purposes in section 5 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than *thirty-five* years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon and such interest shall be payable half-yearly on the first day of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Bowmanville and in the payment of the said floating debt ☞and the said debt of the high school board assumed by the said town as aforesaid☜ and in no other mannerand for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them.

Debentures, how payable.

7. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding *thirty-five* years from the date thereof and so that the aggregate amount for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Outstanding debentures may be called in.

8. The treasurer of the said town shall upon receiving instructions from the council so to do, from time to time, but

only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Bowmanville to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

Treasurer to keep books showing state of debenture account.

11. It shall be the duty of the treasurer of the said town from time to time to keep and it shall be the duty of each of the members from time to time of the municipal council of the said town to procure such treasurer to keep and to see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which shall from time to time be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures, and such inspection shall be allowed free of charge.

Liability of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Bowmanville from any indebtedness or liability which may not be included in the said debt of the town of Bowmanville hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Inconsistent provisions in municipal Acts not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province which are or may be inconsistent with the provisions of this Act or any of them shall not apply to

the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing of debentures or as to the application of the proceeds thereof.

Short title.

15. This Act may be cited as The "*Bowmanville Debenture Act, 1893.*"

SCHEDULE "A."

(*Section 13.*)

CONSOLIDATED DEBT DEBENTURE, TOWN OF BOWMANVILLE, PROVINCE OF ONTARIO.

No. $

Province of Ontario, Town of Bowmanville.

Under and by virtue of the "Bowmanville Debenture Act, 1893" and by virtue of by-law No. of the corporation of the town of Bowmanville, passed under the provisions contained in the said Act, the corporation of the town of Bowmanville promise to pay to the bearer at in the sum of dollars on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Bowmanville, in the county of Durham, this day of A.D. 189 .

Mayor.

[L.S.]

Treasurer.

SCHEDULE "B.

(Section 13.)

BY-LAW NO. TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE AUTHORITY OF THE "BOWMANVILLE DEBENTURE ACT, 1893."

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures," not exceeding the sum of $ in the whole as the corporation of the town of Bowmanville may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of (*or as the case may be*), with interest thereon at the rate of per cent. per annum, payable according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Bowmanville, according to the last revised assessment roll of the said town, being for the year one thousand hundred and was $

Therefore the municipal corporation of the town of Bowmanville enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

No. 3.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate the Debt of the Town of Bowmanville.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. LOCKHART.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] BILL. [1893.

An Act to consolidate the Debt of the Town of Bowmanville.

Preamble.

WHEREAS the corporation of the town of Bowmanville have by their petition represented that they have incurred debts and liabilities in the erection of school buildings, bridges and other public improvements to the extent of $66,500, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws; and whereas there is still due in respect of the said debentures the sum of $56,825; and whereas the payment of the said debentures as they mature has become unduly oppressive to the ratepayers of the said town; and whereas in addition to the said debenture debt the said town is further indebted in a floating debt to the extent of $8,000, wholly incurred in rebuilding a bridge carried away by a flood; and whereas the high school board of the town of Bowmanville has a debt of $1,200 which it was expedient that the said town of Bowmanville should assume, and they have so done; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by the said debentures and also those unsecured as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debenture debt of the corporation of the town of Bowmanville, in respect of which relief is sought as aforesaid to wit the sum of $56,825, and the said floating debt amounting to $8,000 and the debt of the high school board assumed by the said town amounting to $1,200 are hereby consolidated at the sum of $66,025; and it shall be lawful for the said the corporation of the town of Bowmanville to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate a sufficient sum or sums to retire the said debentures amounting to $56,825 as they respectively become due, and to pay off the said floating debt of $8,000 and the said debt of the high school board amounting to $1,200 not exceeding in the whole the sum of $66,025 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the corporation of the town of Bowmanville from time to time to pass by-laws providing for

the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being of the said town in such sums not exceeding in the whole the sum of $66,025 as the said corporation may from time to time direct; and the principal sum secured by the said debentures and the interest accruing thereon may be *made* payable either in this Province or in Great Britain or elsewhere and may be expressed in sterling money of Great Britain or currency of Canada as the said corporation may deem expedient.

Power to raise money on debentures.

3. The said corporation may for the purposes in section 5 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than *thirty-five* years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon and such interest shall be payable half-yearly on the first day of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Bowmanville and in the payment of the said floating debt ☞and the said debt of the high school board assumed by the said town as aforesaid☜ and in no other mannerand for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called " The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them.

Debentures, how payable.

7. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding *thirty-five* years from the date thereof and so that the aggregate amount for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Outstanding debentures may be called in.

8. The treasurer of the said town shall upon receiving instructions from the council so to do, from time to time, but

only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Bowmanville to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

55 V. c. 42.

Treasurer to keep books showing state of debenture account.

11. It shall be the duty of the treasurer of the said town from time to time to keep and it shall be the duty of each of the members from time to time of the municipal council of the said town to procure such treasurer to keep and to see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which shall from time to time be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts ; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures, and such inspection shall be allowed free of charge.

Liability of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Bowmanville from any indebtedness or liability which may not be included in the said debt of the town of Bowmanville hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Inconsistent provisions in municipal Acts not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province which are or may be inconsistent with the provisions of this Act or any of them shall not apply to

the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing of debentures or as to the application of the proceeds thereof.

15. Whereas the said town of Bowmanville has represented that disastrous loss to the town has resulted from the destruction by fire of one of the principal industrial establishments within the town, that many of the inhabitants have in consequence been thrown out of employment, and have prayed that to repair the loss special powers may be granted to enable them to secure the establishment within the said town of industrial enterprises of equal labour-giving extent to that destroyed by fire; and whereas the case of the said town is, by reason of the said disaster, quite exceptional, and whereas it is expedient to grant the prayer of the said petition;

Therefore it is hereby enacted as follows:—Subject as hereinafter provided, it shall be lawful for the town of Bowmanville to grant aid by way of loan or bonus to secure the establishment of industrial enterprises within said town, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $20,000, to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Power to grant aid to industrial enterprises.

By-laws for granting aid to industrial enterprises.

55 V. c. 42.

16. No such aid by way of loan, bonus or subscribed stock, or any of them, shall be given until after the passing of by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

Assent of two thirds of qualified ratepayers required.

17 Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishment, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without any such bonus;

(3) No bonus shall be granted by the said municipality to secure the removal thereto of an industry already established elsewhere in the Province;

(4) No bonus shall be granted in aid of any manufacturing industry, where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest, exceeding ten per cent. of the total annual municipal taxation thereof;

Certificate of clerk as to necessary vote having been given.

18. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favour of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

County judge to decide disputes as to result of voting.

19. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Procedure on appeal to judge.

20. The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

55 V. c. 42, ss. 293-319, and 321-328 incorporated.

21. Sections 209 to 222, 293 to 319, and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their sub-sections, shall be taken and considered as part of this Act.

General provisions of 55 V. c. 42, as to creating debts to apply.

22. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

Short title.

23. This Act may be cited as The "*Bowmanville Debenture Act, 1893.*"

SCHEDULE "A."

(*Section 13.*)

CONSOLIDATED DEBT DEBENTURE, TOWN OF BOWMANVILLE, PROVINCE OF ONTARIO.

No. $

Province of Ontario, Town of Bowmanville.

Under and by virtue of the "Bowmanville Debenture Act, 1893" and by virtue of by-law No. of the corporation of the town of Bowmanville, passed under the provisions contained in the said Act, the corporation of the town of Bowmanville promise to pay to the bearer at in the sum of dollars on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Bowmanville, in the county of Durham, this day of A.D. 189 .

Mayor.

[L.S.] Treasurer.

SCHEDULE "B.

(*Section 13.*)

BY-LAW NO. TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE AUTHORITY OF THE "BOWMANVILLE DEBENTURE ACT, 1893."

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures," not exceeding the sum of $ in the whole as the corporation of the town of Bowmanville may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of (*or as the case may be*), with interest thereon at the rate of per cent. per annum, payable according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Bowmanville, according to the last revised assessment roll of the said town, being for the year one thousand hundred and was $

Therefore the municipal corporation of the town of Bowmanville enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned to be known as " Consolidated Debt Debentures " to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

No. 3.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate the Debt of the Town of Bowmanville.

First Reading, 14th April, 1893.
Second " 24th " 1893.

(Reprinted as amended by the Committee of the Whole House.)

(Private Bill.)

Mr. LOCKHART.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 4.] **BILL.** [1893.

An Act to Consolidate certain Debts of the Town of Mitchell.

Preamble.

WHEREAS the corporation of the town of Mitchell have by their petition represented that they have incurred debts and liabilities, for the purpose of establishing a system of waterworks and fire protection and for the purpose of aiding, by way of bonus, manufacturing establishments in the said town, to the extent of $30,000 for which amount debentures have from time to time been issued, and that no funds have been provided by way of sinking fund or otherwise for redeeming the same or any portion thereof, save and except the annual interest thereof; and whereas the said corporation have incurred a floating debt of $6,000 in addition to the ordinary expenses of the corporation, for payment of which no fund has been provided; and whereas the said corporation have represented that the payments to be made on account of the said debenture debts and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of $30,000 and the said floating debt of $6,000 may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated a $35 000.

1. The said debts of the said town of Mitchell are hereby consolidated at the sum of $36,000, and it shall be lawful for the corporation of the said town of Mitchell to raise by way of loan, on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to $30,000, as they respectively become due, and to pay off the other debts amounting to $6,000, not exceeding in the whole $36,000, exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Mitchell, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than $100, and not

exceeding $36,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of the said town may, for the purposes in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of debentures.

4. The said debentures shall be payable in not more than thirty-five years from the issue thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of June in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

Payment of debentures and interest.

5. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty-five years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6 It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called *The Consolidated Debenture rate*, and it shall not be necessary to levy for, or to provide any sinking fund to retire, the said debentures or any of them.

Application of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the said debentures of the town of Mitchell, now outstanding amounting to $30,000, and in payment of the said debt of $6,000, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Power to call in outstanding debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with

funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Assent of electors to by-laws not required.

9. It shall not be necessary to obtain the assent of the electors of the said town of Mitchell for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

55 V. c. 42.

By-law not to be repealed until debt paid.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

Treasurer to keep book showing state of debenture account.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Mitchell from any indebtedness or liability which may not be included in the said debts of the said town.

Form of debentures and by-laws.

13. The debentures to be issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form contained in schedule "B" to this Act.

Inconsistent enactments not to apply.

14. Any provisions in the Act respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregular-

Irregularity in form not to invalidate debentures.

ity in the form of the said debentures or any of them authorized to be issued by this Act, or in any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or by-laws or issue of debentures, or as to the application of the proceeds thereof.

Short title.

15. This Act may be cited as *The Mitchell Debenture Act, 1893.*

SCHEDULE "A."

No.—— $——

CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Mitchell.

Under and by virtue of the *The Mitchell Debenture Act 1893*, and by-law No. of the corporation of the Town of Mitchell passed under the provisions contained in the said Act, the Corporation of the Town of Mitchell promise to pay to the bearer at in the sum of on the day of A.D. and the yearly coupons hereto attached as the same shall severally become due.

Dated at Mitchell, in the county of Perth, this day of A. D.

[L.S.]

A. B., *Mayor.*
C. D., *Treasurer.*

SCHEDULE "B."

By-law No. to authorize the issue of debentures under the authority of *The Mitchell Debenture Act, 1893.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $ in the whole, as the corporation of the town of Mitchell may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable on the day of and on the day of (*or as the case may*

be) with interest thereon at the rate of per centum per annum payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Mitchell, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was $;

Therefore the corporation of the town of Mitchell enacts as follows :—

1. Debentures under the said Act, and for the purposes mentioned therein, to be known as *Consolidated Debt Debentures*, to the extent of the sum of $, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

No. 4.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to Consolidate certain debts of the Town of Mitchell.

First Reading, 1893.

(Private Bill.)

Mr. GARROW.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 5.] BILL. [1893.

An Act respecting Local Improvements in the City of Kingston.

Preamble.

WHEREAS the corporation of the city of Kingston desire to encourage the construction of granolithic, stone and other permanent sidewalks in the streets of the city as local improvements, by providing from the general funds of the municipality, or contracting a loan therefor, a part of the part of the cost of the construction of such sidewalks falling on the property benefited, in addition to the part of such cost to be provided by the municipality under the provisions of *The Consolidated Municipal Act, 1892*, in that behalf; and have by their petition prayed that an Act may be passed to enable the said corporation so to do; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to advance from general funds or borrow forty per cent. of the cost of certain improvements.

1. It shall be lawful for the council of the corporation of the city of Kingston to provide from the general funds of the municipality, or to raise the same by way of loan on the credit of the debentures of the municipality, forty per cent. of that part of the cost of the construction of granolithic, stone, and other permanent sidewalks in the streets of the said city as local improvements, falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said forty per cent. to the said part of the cost of the construction of said sidewalks to be provided by the municipality, and to issue debentures for the amount thus obtained, and it shall not be necessary to submit the by-laws of the said corporation authorizing the issue of the said debentures to, or to have the assent of, the electors of the municipality before the final passing thereof, nor shall it be necessary that any of the provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts, be complied with.

Assent of electors not required.

55 V. c. 42.

Remainder of cost to be assessed on property benefited.

2. The remainder of that part of the cost of constructing the said sidewalks, falling on the property benefited, after the said forty per cent. has been deducted, shall be assessed for and dealt with in the usual way, as provided for in the said Act as to assessments for local improvements.

Term of debentures.

3. As the said sidewalks will be of a permanent character and costly, to render the payment of the cost of the same easier, the debentures for all or any part of the cost of the same may be made payable within the period of thirty years from and after the days upon which the respective by-laws authorizing their issue take effect.

Irregularities in form not to invalidate debentures.

4. No defect in substance or in form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

No. 5.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Local Improvements in the City of Kingston.

First Reading. 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 5.] **BILL.** [1893.

An Act respecting Local Improvements in the City of Kingston.

Preamble.

WHEREAS the corporation of the city of Kingston desire to encourage the construction of granolithic, stone and other permanent sidewalks in the streets of the city as local mprovements, by providing from the general funds of the municipality, or contracting a loan therefor, a part of the cost of the construction of such sidewalks falling on the property benefited, in addition to the part of such cost to be provided by the municipality under the provisions of *The Consolidated Municipal Act, 1892*, in that behalf; and have by their petition prayed that an Act may be passed to enable the said corporation so to do; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to advance from general funds or borrow forty per cent. of the cost of certain improvements.

1. It shall be lawful for the council of the corporation of the city of Kingston to provide from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, forty per cent. of that part of the cost of the construction of granolithic, stone, and other permanent sidewalks in the streets of the said city as local improvements, falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said forty per cent. to the said part of the cost of the construction of said sidewalks to be provided by the municipality, and to issue debentures for the amount thus obtained, and it shall not be necessary to submit the by-laws of the said corporation authorizing the issue of the said debentures to, or to *obtain* the assent of, the electors of the municipality before the final passing thereof, nor shall it be necessary that any of the provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts, be complied with

Assent of electors not equired.

55 V. c. 42.

Remainder of cost to be assessed on property benefited.

2. The remainder of that part of the cost of constructing the said sidewalks, falling on the property benefited, after the said forty per cent. has been deducted, shall be assessed for and dealt with in the usual way, as provided for in the said Act as to assessments for local improvements.

No. 5.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Local Improvements in the City of Kingston.

First Reading, 11th April, 1893.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 6.] BILL. [1893.

An Act to Consolidate the Debt of the Town of Ingersoll.

Preamble.

WHEREAS the corporation of the town of Ingersoll have by their petition represented that they have at various times under by-laws of the municipal council issued debentures, which in the aggregate amount to $106,500 the balance unpaid upon which amounts to the sum of $55,043 05, after applying the sum of $42,500 as the proceeds of the debenture stock of the Ontario and Quebec Railway Company, which sum is kept intact in order to apply, and which will be applied, in redeeming the said debentures when they mature, and the further sum of $8,956.95 sinking fund now in the hands of the Traders' Bank and forming a part of the consolidated loan fund; and whereas since the Act passed in the 49th year of Her Majesty's reign, and chaptered 56, was passed authorizing the consolidation of the then indebtedness of the said corporation there have been a large amount of permanent public improvements made in the said town in the erection of bridges, and the erection and alteration of public buildings and laying of stone pavements, etc., for which no provision has been made, amounting in all to the sum of $32,000, making the total indebtedness of the said corporation $87,043.05, (after applying thereon the sum of $42,500, and $8,956.95 sinking fund which is being invested and kept exclusively to apply thereon); and whereas the said corporation have prayed for the passing of an Act enabling them to issue debentures for the said sum of $32,000 to pay for such improvements; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Debts consolidated at $32,000.

1. The floating and current indebtedness of the town of Ingersoll other than and over and above their existing net debenture debt of $55,043.05 are hereby consolidated at the sum of $32,000, and it shall and may be lawful for the said corporation of the town of Ingersoll to raise by way of loan upon the credit of the debentures hereinafter named, and by this Act authorized to be issued, from any person or persons, body or bodies corporate who may be willing to lend the same a sum of money not exceeding the sum of $32,000 of lawful money of Canada.

Power to borrow $32,000.

2. It shall be lawful for the said corporation of the town of Ingersoll to pass a by-law or by-laws authorizing the said loan of $32,000, and the issuing of debentures therefor in accordance with this Act and to impose in and by the said by-law or by-laws, a special rate per annum on the whole ratable property of the said municipality to be called "Consolidated Loan Rate No. 2," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums annually falling due for interest and to provide a fund for the payment of the principal of the said debentures hereby authorized to be issued as they fall due.

Special rate.

Issue of debentures authorized.

3. It shall and may be lawful for the municipal council of the said corporation of the town of Ingersoll after the passing of such by-law or by-laws authorizing the same in accordance with this Act to cause to be issued debentures of the said corporation under the corporate seal signed by the mayor and countersigned by the treasurer of the said corporation for the time being for such sums not exceeding in the whole the said sum of $32,000 as the council shall direct and appoint.

Payment of debentures and interest.

4. The debentures to be issued as aforesaid shall be payable in not more than thirty years from the date thereof, as the corporation may direct, and the interest thereon at such rate not exceeding five per cent. shall be payable yearly or half-yearly according to the coupons attached thereto and as by said by-law or by-laws may be provided.

Irregularities in form not to invalidate debentures.

5. No irregularity in form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and no by-law passed under the authority of this Act shall be repealed until the debt created under it and the interest shall be fully paid and satisfied.

Form of debentures.

6 The principal sum to be secured by the said debentures to be issued under the authority of this Act shall be payable either in sterling or currency, and with the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere as the council of the said corporation may direct or deem expedient, and the by-law or by-laws authorizing the said debentures shall provide for raising annually for the payment of the said debentures at their maturity, a certain specific sum to be levied for principal and interest so that the said sums so levied for principal and interest for the payment for such debentures shall be as nearly equal in each year as may be.

7. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures, which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and as to so much thereof as shall, at any time or times, be deposited or invested as directed by section 6 of this Act, the said book or account and statement shall set forth and shew the amount and the place or places of such deposits and the amount, the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall, from time to time, be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the power hereby conferred or of any of such debentures.

Treasurer to keep proper books of account.

8. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Assent of electors not required.

55 V. c. 42.

9. The treasurer of the said town shall on receiving instructions so to do, from time to time, but only with the consent of the holders thereof call in any of the now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued by this Act upon such terms as may be agreed upon between the said council and the said holders of such outstanding debts and liabilities.

Power to call in outstanding debentures.

10. Sections 410, 411 and 412 of *The Consolidated Municipal Act, 1892*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act and shall be deemed to be incorporated in this Act.

55 V. c. 42, ss. 410, 411, 412 to apply.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Ingersoll from any indebtedness or liability which may not be included in the indebtedness above stated.

Indebtedness of corporation

No. 6.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to Consolidate the Debt of the Town of Ingersoll.

First Reading, 1893.

(Private Bill.)

Mr. McKay, (*Oxford*).

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 6.] **BILL.** [1893.

An Act to consolidate the Debt of the Town of Ingersoll.

Preamble. WHEREAS the corporation of the town of Ingersoll have by their petition represented that they have at various times under by-laws of the municipal council issued debentures, which in the aggregate amount to $106,500 the balance unpaid upon which amounts to the sum of $55,043 05, after applying the sum of $42,500 as the proceeds of the debenture stock of the Ontario and Quebec Railway Company, which sum is kept intact in order to apply, and which will be applied, in redeeming the said debentures when they mature, and the further sum of $8,956.95 sinking fund now in the hands of the Traders' Bank and forming a part of the consolidated loan fund; and whereas since the Act passed in the 49th year of Her Majesty's reign, and chaptered 56, was passed authorizing the consolidation of the then indebtedness of the said corporation there have been a large amount of permanent public improvements made in the said town in the erection of bridges, and the erection and alteration of public buildings and laying of stone pavements, etc., for which no provision has been made, amounting in all to the sum of $32,000, making the total indebtedness of the said corporation $87,043.05, (after applying thereon the sum of $42,500, and $8,956.95 sinking fund which is being invested and kept exclusively to apply thereon); and whereas the said corporation have prayed for the passing of an Act enabling them to issue debentures for the said sum of $32,000 to pay for such improvements; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Debts consolidated at $32,000. **1.** The floating and current indebtedness of the town of Ingersoll other than and over and above their existing net debenture debt of $55,043.05 *is* hereby consolidated at the sum of $32,000, and it shall and may be lawful for the said corporation of the town of Ingersoll to raise by way of loan upon the credit of the debentures hereinafter *mentioned*, and by this Act authorized to be issued, from any person or persons, body or bodies corporate who may be willing to lend the same a sum of money not exceeding the sum of $32,000 of lawful money of Canada.

Power to borrow $32,000. **2.** It shall be lawful for the said corporation of the town of Ingersoll to pass a by-law or by-laws authorizing the said

loan of $32,000, and the issuing of debentures therefor in accordance with this Act, and to impose in and by the said by-law or by-laws, a special rate per annum on the whole ratable property of the said municipality to be called "Consolidated Loan Rate No. 2," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums annually falling due for interest and to provide a fund for the payment of the principal of the said debentures hereby authorized to be issued as they fall due.

Special rate.

Issue of debentures authorized.

3. It shall and may be lawful for the municipal council of the said corporation of the town of Ingersoll, after the passing of such by-law or by-laws authorizing the same in accordance with this Act to cause to be issued debentures of the said corporation, under the corporate seal signed by the mayor and countersigned by the treasurer of the said corporation for the time being, for such sums not exceeding in the whole the said sum of $32,000 as the council shall direct and appoint.

Payment of debentures and interest.

4. The debentures to be issued as aforesaid shall be payable in not more than *twenty* years from the date thereof, as the corporation may direct, and the interest thereon at such rate not exceeding five per cent. shall be payable yearly or half-yearly according to the coupons attached thereto and as by said by-law or by-laws may be provided.

Irregularities in form not to invalidate debentures.

5. No irregularity in form either of the said debentures, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and no by-law passed under the authority of this Act shall be repealed until the debt created under it and the interest shall be fully paid and satisfied.

Form of debentures.

6. The principal sum to be secured by the said debentures to be issued under the authority of this Act shall be payable either in sterling or currency, and with the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere as the council of the said corporation may direct or deem expedient, and the by-law or by-laws authorizing the said debentures shall provide for raising annually for the payment of the said debentures at their maturity, a certain specific sum to be levied for principal and interest so that the said sums so levied for principal and interest for the payment for such debentures shall be as nearly equal in each year as may be.

☞ **7.** It shall be the duty of the treasurer of the said corporation, by and with the consent and approbation of the council,

from time to time to invest all moneys raised by the special rate or sinking fund, or by the by-law or by-laws, either in the debentures to be issued under this Act, or in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes and being the first lien on such real estate, and not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may by general or special order direct, or the said treasurer may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve, and all dividends and interest received from such investments shall be applied to the extinction of the loan authorized to be raised under this Act.

Treasurer to keep proper books of account.

8. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures, which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and as to so much thereof as shall, at any time or times, be deposited or invested as directed by section 7 of this Act, the said book or account and statement shall set forth and shew the amount and the place or places of such deposits and the amount, the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall, from time to time, be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the power hereby conferred or of any of such debentures.

Assent of electors not required.

55 V. c. 42.

9. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

Power to call in outstanding debentures.

10. The treasurer of the said town shall on receiving instructions so to do, from time to time, but only with the consent of the holders thereof call in any of the now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute there-

for the said debentures or any of them hereinbefore authorized to be issued by this Act upon such terms as may be agreed upon between the said council and the said holders of such outstanding debts and liabilities.

55 V. c. 42, ss. 410, 411, 412 to apply.

11. Sections 410, 411 and 412 of *The Consolidated Municipal Act, 1892*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act and shall be deemed to be incorporated in this Act.

Indebtedness of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Ingersoll from any indebtedness or liability which may not be included in the indebtedness above stated.

Short title.

13. This Act may be cited as the "*Ingersoll Debenture Act, 1893.*"

No. 6.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate the Debt of the Town of Ingersoll.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. McKAY, (*Oxford*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 7.] BILL. 1893.

An Act respecting the Railway Debenture Debt of the Village of Exeter.

Preamble.

WHEREAS the corporation of the village of Exeter, under their by-law No. 11, passed on the 25th day of July, 1873, incurred a debenture debt of $10,000 in aid of the London, Huron and Bruce Railway, maturing on the 25th day of July, 1893; and whereas no proper or sufficient sinking fund were provided for redeeming the said debentures; and whereas it is necessary to make provision for the redemption of the said debenture debt; and the said corporation has by its petition prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for $10,000 authorized.

1. It shall be lawful for the corporation of the village of Exeter to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersiged by the treasurer for the time being, in such sums of not less than $100 and not exceeding $10,000 in the whole, as the said corporation may, from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

2. The said corporation of the said village may, for the purpose hereinafter mentioned, raise money by way of loan on the said debentures in this Province or elsewhere, or sell or dispose of the said debentures from time to time, as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the 1st days of June and December, or yearly on the 1st day of December in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the village of Exeter, issued in aid of the London, Huron and Bruce railway, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Railway Debentures."

Power to call in outstanding debentures.

5. The treasurer of the said corporation shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under this Act, or may with the like instructions and consent, substitute therefor the said debentures or any of them, hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt paid.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Special rate.

7. For the payment of the said debentures to be issued under this Act, the council shall impose a special rate per annum to be called "The Railway Debenture Rate," (over and above and in addition to all other rates to be levied in each year) which shall be levied in each year, and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the said debentures when the same shall fall due, and the said special rate shall in each and every year during the continuance of said debentures be inserted in a separate and distinct column on the collector's roll of said village, and shall not be included with any other rate or rates.

Investment of sinking fund.

8. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said debentures issued under this Act, or in government securities, municipal debentures, or in first mortgages on real estate, and being the first lien on such real estate, but not to any greater extent than one-half the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or the said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada, that may be approved of from time to time.

Treasurer to keep proper books of account.

9. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a

proper book of account setting forth a full and particular statement, so that the same at all times shall show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the investments which shall from time be made of the sinking fund; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said village of Exeter to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or amendments thereto. 55 Vict., c. 42.

Form of debentures and by-laws.

11. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-laws or by-laws authorizing the same, and for a special rate for payment of interest and to form a sinking fund may be in the form of schedule "B" to this Act.

Informalities not to invalidate debentures.

12. No irregularity in form either of the debentures to be issued under this Act or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as defence in any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

SCHEDULE "A."

(*Section 11.*)

PROVINCE OF ONTARIO, VILLAGE OF EXETER. RAILWAY DEBT DEBENTURE.

Under and by virtue of an Act Respecting the Railway Debenture Debt of the Village of Exeter passed in the year of Her Majesty's reign and chaptered the Corporation of the Village of Exeter, in the County of Huron, promise to pay the bearer at the sum of , on the day of , one thousand hundred and , and the half yearly coupons

for interest thereon, hereto attached, as the same shall severally become due.

Dated at Exeter, Ontario, this day of A.D. .

[L.S.] *A.B.*, Reeve.

C.D., Treasurer.

SCHEDULE "B."

(*Section 11.*)

By-law No. , to authorize the issue of debentures under an Act respecting the railway debenture debt of the village of Exeter, passed in the year of Her Majesty's reign and chaptered and to impose a special rate for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as the railway debt debentures, not exceeding the sum of $10,000 in the whole, as the corporation of the village of Exeter may direct, and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $, payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly or half-yearly, according to the coupons, to the said debentures attached; and whereas the said Act requires for the payment of the said debentures to be issued thereunder, that the council shall impose a special rate per annum which shall be sufficient in each and every year (over and above and in addition to all other rates to be levied in each year) to pay the said debentures as they respectively mature, together with the interest thereon, and it will require the sum of $ to be raised annually for the said interest and principal;

And whereas the amount of the whole ratable property of the village of Exeter, according to the last revised assessment of the said village being for the year one thousand hundred and , was $.

Therefore the municipal corporation of the village of Exeter enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned to be known as railway debt debentures to the extent of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable half-yearly, on the first days of June and December in each year (or yearly on the first day of December in each year, as the case may be.)

3. And for the purpose of the payment of the said debentures and the interest at the rate aforesaid, to become due thereon the sum of $, over and above and in addition to all other sums or rates, shall be raised, levied and collected in each year upon all ratable property in the said village of Exeter, during the continuance of the debentures or any of them.

This by-law passed in open council this day of , in the year of our Lord one thousand hundred and .

No. 7.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Railway Debenture Debt of the Village of Exeter.

First Reading, , 1893.

(Private Bill.)

Mr. BISHOP.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 7.] **BILL.** 1893.

An Act respecting the Railway Debenture Debt of the Village of Exeter.

Preamble.

WHEREAS the corporation of the village of Exeter, under their by-law No. 11, passed on the 25th day of July, 1873, incurred a debenture debt of $10,000 in aid of the London, Huron and Bruce Railway, maturing on the 25th day of July, 1893; and whereas no proper or sufficient sinking fund *was* provided for redeeming the said debentures; and whereas it is necessary to make provision for the redemption of the said debenture debt; and the said corporation has by its petition prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for $10,000 authorized.

1. It shall be lawful for the corporation of the village of Exeter to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersiged by the treasurer for the time being, in such sums of not less than $100 and not exceeding $10,000 in the whole, as the said corporation may, from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

2. The said corporation of the said village may, for the purpose hereinafter mentioned, raise money by way of loan on the said debentures in this Province or elsewhere, or sell or dispose of the said debentures from time to time, as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the 1st days of June and December, or yearly on the 1st day of December in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the village of Exeter, issued in aid of the London, Huron and Bruce railway, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Railway *Debt* Debentures."

Power to call in outstanding debentures.

5. The treasurer of the said corporation shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under this Act, or may with the like instructions and consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt paid.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Debentures to be payable yearly.

7. A portion of the said debentures to be issued under this Act, shall be made payable in each year for a period not exceeding twenty years from the 25th day of July, 1893, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

8. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The 1893 Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Treasurer to keep proper books of account.

9. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same at all times shall show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of

the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said village of Exeter to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or amendments thereto. 55 Vict., c. 42.

Form of debentures and by-laws.

11. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-laws or by-laws authorizing the same, and for a special rate for payment of interest and to form a sinking fund may be in the form of schedule "B" to this Act.

Informalities not to invalidate debentures.

12. No irregularity in form either of the debentures to be issued under this Act or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as defence in any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

SCHEDULE "A."

(*Section 11.*)

PROVINCE OF ONTARIO, VILLAGE OF EXETER. RAILWAY DEBT DEBENTURE.

Under and by virtue of an Act Respecting the Railway Debenture Debt of the Village of Exeter passed in the year of Her Majesty's reign and chaptered the Corporation of the Village of Exeter, in the County of Huron, promise to pay the bearer at the sum of , on the day of , one thousand hundred and , and the half yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated at Exeter, Ontario, this day of A.D. .

[L.S.]

A.B., Reeve.

C.D., Treasurer.

SCHEDULE "B."

(Section 11.)

By-law No. , to authorize the issue of debentures under An Act respecting the railway debenture debt of the village of Exeter, passed in the fifty-sixth year of Her Majesty's reign and chaptered and to impose a special rate for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as the railway debt debentures, not exceeding the sum of $10,000 in the whole, as the corporation of the village of Exeter may ☞ in pursuance of and in conformity with the provisions of the said Act, ☜ direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $, payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly or half-yearly, according to the coupons, to the said debentures attached.

And whereas the amount of the whole ratable property of the village of Exeter, according to the last revised assessment of the said village being for the year one thousand hundred and , was $.

Therefore the municipal corporation of the village of Exeter enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned to be known as railway debt debentures to the extent of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable half-yearly, on the first days of June and December in each year (or yearly on the first day of December in each year, as the case may be.)

This by-law passed in open council this day of , in the year of our Lord one thousand hundred and .

No. 7.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Railway Debenture Debt of the Village of Exeter.

First Reading, 17th April, 1893.

(Reprinted as amended by the Private Bills Committee).

(Private Bill.)

Mr. BISHOP.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 8.] BILL. [1893.

An Act to enable the Corporation of the County of Ontario to issue certain Debentures.

Preamble.

WHEREAS the corporation of the county of Ontario have by their petition represented that they have incurred debts and liabilities in the erection of a registry office and for the improvements in the county court-house, in and about building roads and bridges in the said county and otherwise for county purposes to the amount of $20,000 for which amount debentures of the said corporation were issued under a by-law passed on the 7th day of February, 1874, and that no funds have been provided by way of sinking fund or otherwise for redeeming the same, or any portion thereof, save and except the annual interest thereof, none of which is in arrear; and whereas the said debentures will become due and payable in the year 1893; and whereas the said debentures were issued in respect of works and improvements of a permanent nature and necessary for carrying on the business of the said corporation in future as well as when the said debt was created; and whereas it has been made to appear that to now raise the moneys necessary to pay off the said debt in one payment would be unduly oppressive to the ratepayers; and whereas it has been made to appear that the ratepayers of the said county have been fully informed of the intention of the corporation to apply for power to issue new debentures for the purpose of retiring the debentures issued under said by-law; and whereas the said corporation by their petition have prayed that they may be authorized to issue debentures for the sum of $20,000, to meet and pay off the said debentures shortly to fall due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Power to raise $20,000 on debentures.

1. It shall be lawful for the corporation of the said county to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate a sufficient sum or sufficient sums to retire the said debentures amounting to $20,000 as and when the same become due.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the county of Ontario to pass a by-law providing for the issue of debentures under their corporate seal, signed by the warden and

countersigned by their treasurer for the time being, in sums of not less than $1000, and not exceeding $20,000 in the whole, for principal money bearing interest at a rate not to exceed six per cent. per annum, payable yearly, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places either in this Province, in Great Britain or elsewhere as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or in currency of Canada.

Disposal of debentures.

3. The corporation of the said county may raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures or any part thereof, or may exchange the same or any part thereof for other outstanding debentures or coupons representing any part of the said debt of $20,000 or interest thereon, for the purpose of paying or redeeming such outstanding debentures or coupons from time to time and upon such terms as they may deem expedient or can agree upon.

Payment of debentures and interest

4. The said debentures issued under such by-law shall be made payable in each year for a term not to exceed twenty years from the time at which the by-law authorizing the issue of the same shall take effect and so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is to be levied and payable for principal and interest during each of the other years of the period within which the debt is to be discharged, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate

5. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture rate."

Application of debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the corporation of the county of Ontario to the amount of $20,000 issued under the by-law of the council of the corporation of the county of Ontario passed on the 24th day of February 1874 and in no other manner and for no other purpose whatsoever and such debentures may be known as "The Consolidated Debt Debentures."

Payment of outstanding debentures.

7. The treasurer of the said county on receiving instructions from the council so to do shall on the maturity of the debentures now outstanding discharge the same with funds raised under the preceding sections of this Act, or may with the consent of the holders of the said outstanding debentures substitute therefor the debentures or any of them hereinbefore author-

ized to be issued as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt paid

8 Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

9. It shall not be necessary to obtain the assent of the electors of the said county of Ontario to the passing of any by-law which shall be passed under the provisions of this Act, nor to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, and it shall be sufficient if any such by-law be in the form in the schedule "B" to this Act set forth or to the like effect notwithstanding the provisions of the said Act.

55 V., c. 42.

Treasurer to keep proper book of account.

10. It shall be the duty of the treasurer from time to time of the said county to keep and it shall be the duty of each of the members from time to time of the county council of the said county to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures and the application which shall from time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inpection of any ratepayer of the said county and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures now outstanding.

Indebtedness of corporation not affected.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the county of Ontario from any indebtedness or liability which may not be included in the said debt of the said county of Ontario,

Form of debentures.

12. The debentures issued under this Act may be in the form contained in schedule "A" to this Act.

Inconsistent enactments not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or

Irregularities in form not to invalidate debentures.

by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Short title.

14. This Act may be cited as "*The County of Ontario Debenture Act, 1893.*"

SCHEDULE "A."

(*Section 12.*)

PROVINCE OF ONTARIO, COUNTY OF ONTARIO DEBT DEBENTURE

Under and by virtue of *The County of Ontario Debenture Act, 1893*, and by virtue of by-law No. of the corporation of the county of Ontario, the Corporation of the County of Ontario promise to pay to the bearer at in the sum of on the day of thousand hundred and , and the yearly coupons hereto attached as the same shall severally become due.

Dated at Whitby this day of A. D. .

[L.S.] Warden.

Treasurer.

SCHEDULE "B."

Section 9.

By-law No. to authorize the issue of debentures under the authority of *The County of Ontario Debenture Act, 1893.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as "The Consolidated Debt Debentures" to an amount not exceeding the sum of $20,000 in the whole as the corporation of the county of

Ontario may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $20,000 payable on the day of with interest thereon at the rate of per cent. per annum payable yearly, according to the coupons to the said Debentures attached and in amounts as is hereinafter provided in each and every year from and after the passing of this by-law for twenty years.

And whereas the amount of the whole ratable property of the said county of Ontario according to the last revised assessment rolls of the said county being for the year one thousand eight hundred and ninety-two was $

Therefore the municipal council of the corporation of the county of Ontario enacts as follows:—

Debentures under the said Act and for the purpose therein mentioned to the extent of $20,000 to be known as "The Consolidated Debt Debentures" are hereby authorized to be issued for the amounts and payable at the times following that is to say:—

The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable, yearly on the day of in each year.

The coupons attached to the said debentures shall be for the amounts and become payable at the times hereinafter mentioned, viz:—

This by-law was passed in open council this day of in the year of our Lord one thousand eight hundred and ninety .

No. 8.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Corporation of the County of Ontario to issue certain Debentures.

First Reading, 1893.

(Private Bill.)

Mr. DRYDEN.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 8.] **BILL.** [1893.

An Act to enable the Corporation of the County of Ontario to issue certain Debentures.

Preamble. WHEREAS the corporation of the county of Ontario have by their petition represented that they have incurred debts and liabilities in the erection of a registry office and for the improvements in the county court-house, in and about building roads and bridges in the said county and otherwise for county purposes to the amount of $20,000 for which amount debentures of the said corporation were issued under a by-law passed on the 7th day of February, 1874, and that no funds have been provided by way of sinking fund or otherwise for redeeming the same, or any portion thereof, save and except the annual interest thereof, none of which is in arrear; and whereas the said debentures will become due and payable in the year 1893; and whereas the said debentures were issued in respect of works and improvements of a permanent nature and necessary for carrying on the business of the said corporation in future as well as when the said debt was created; and whereas it has been made to appear that to now raise the moneys necessary to pay off the said debt in one payment would be unduly oppressive to the ratepayers; and whereas it has been made to appear that the ratepayers of the said county have been fully informed of the intention of the corporation to apply for power to issue new debentures for the purpose of retiring the debentures issued under said by-law; and whereas the said corporation by their petition have prayed that they may be authorized to issue debentures for the sum of $20,000, to meet and pay off the said debentures shortly to fall due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Power to raise $20,000 on debentures. **1.** It shall be lawful for the corporation of the said county to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate a sufficient sum or sufficient sums to retire the said debentures amounting to $20,000 as and when the same become due.

Issue of debentures authorized. **2.** It shall be lawful for the said corporation of the county of Ontario to pass a by-law providing for the issue of debentures under their corporate seal, signed by the warden and

countersigned by their treasurer for the time being, in sums of not less than $1000, and not exceeding $20,000 in the whole, for principal money bearing interest at a rate not to exceed *five* per cent. per annum, payable yearly, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places either in this Province, in Great Britain or elsewhere as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or in currency of Canada.

Disposal of debentures.

3. The corporation of the said county may raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures or any part thereof, or may exchange the same or any part thereof for other outstanding debentures or coupons representing any part of the said debt of $20,000 or interest thereon, for the purpose of paying or redeeming such outstanding debentures or coupons from time to time and upon such terms as they may deem expedient or can agree upon.

Payment of debentures and interest

4. The said debentures issued under such by-law shall be made payable in each year for a term not to exceed twenty years from the time at which the by-law authorizing the issue of the same shall take effect and so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is to be levied and payable for principal and interest during each of the other years of the period within which the debt is to be discharged, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate

5. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture rate."

Application of debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the corporation of the county of Ontario to the amount of $20,000 issued under the by-law of the council of the corporation of the county of Ontario passed on the 24th day of February 1874 and in no other manner and for no other purpose whatsoever and such debentures may be known as "The Consolidated Debt Debentures."

Payment of outstanding debentures.

7. The treasurer of the said county on receiving instructions from the council so to do shall on the maturity of the debentures now outstanding discharge the same with funds raised under the preceding sections of this Act, or may with the consent of the holders of the said outstanding debentures substitute therefor the debentures or any of them hereinbefore author-

ized to be issued as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt paid

8 Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

9. It shall not be necessary to obtain the assent of the electors of the said county of Ontario to the passing of any by-law which shall be passed under the provisions of this Act, nor to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, and it shall be sufficient if any such by-law be in the form in the schedule "B" to this Act set forth or to the like effect notwithstanding the provisions of the said Act.

55 V., c. 42.

Treasurer to keep proper book of account.

10. It shall be the duty of the treasurer from time to time of the said county to keep and it shall be the duty of each of the members from time to time of the county council of the said county to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures and the application which shall from time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inpection of any ratepayer of the said county and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures now outstanding.

Indebtedness of corporation not affected.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the county of Ontario from any indebtedness or liability which may not be included in the said debt of the said county of Ontario,

Form of debentures.

12. The debentures issued under this Act may be in the form contained in schedule "A" to this Act.

Inconsistent enactments not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or

Irregularities in form not to invalidate debentures.

by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Short title.

14. This Act may be cited as "*The County of Ontario Debenture Act, 1893.*"

SCHEDULE "A."

(*Section 12.*)

PROVINCE OF ONTARIO, COUNTY OF ONTARIO DEBT DEBENTURE

Under and by virtue of *The County of Ontario Debenture Act, 1893*, and by virtue of by-law No. of the corporation of the county of Ontario, the Corporation of the County of Ontario promise to pay to the bearer at in. the sum of on the day of thousand hundred and , and the yearly coupons hereto attached as the same shall severally become due.

Dated at Whitby this day of A. D.

[L.S.] Warden.

Treasurer.

SCHEDULE "B."

Section 9.

By-law No. to authorize the issue of debentures under the authority of *The County of Ontario Debenture Act, 1893.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as "The Consolidated Debt Debentures" to an amount not exceeding the sum of $20,000 in the whole as the corporation of the county of

Ontario may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $20,000 payable on the day of with interest thereon at the rate of per cent. per annum payable yearly, according to the coupons to the said Debentures attached and in amounts as is hereinafter provided in each and every year from and after the passing of this by-law for twenty years.

And whereas the amount of the whole ratable property of the said county of Ontario according to the last revised assessment rolls of the said county being for the year one thousand eight hundred and ninety-two was $

Therefore the municipal council of the corporation of the county of Ontario enacts as follows:—

Debentures under the said Act and for the purpose therein mentioned to the extent of $20,000 to be known as "The Consolidated Debt Debentures" are hereby authorized to be issued for the amounts and payable at the times following that is to say:—

The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable, yearly on the day of in each year.

The coupons attached to the said debentures shall be for the amounts and become payable at the times hereinafter mentioned, viz:—

This by-law was passed in open council this day of in the year of our Lord one thousand eight hundred and ninety .

No. 8.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Corporation of the County of Ontario to issue certain Debentures.

First Reading, April 14th, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 9.] BILL. [1893.

An Act to amend the Act to incorporate the Kingston Street Railway Company.

Preamble.

WHEREAS the Kingston Street Railway Company have by their petition prayed that the powers thereof created by the Act passed in the 39th year of Her Majesty's reign and chaptered 74, to incorporate the said company, may be extended as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to use electricity.

1. The said company shall have the right notwithstanding anything contained in the said Act of incorporation or in any agreement made by the said company with the corporation of the city of Kingston to use electricity as a motive power in their railway already constructed in the said city of Kingston or which may hereafter be constructed therein or in any of the adjoining municipalities.

Power to alter gauge and reconstruct road.

2. The said company is authorized to alter the gauge of the said railway to a gauge not exceeding in width four feet eight and one half inches and to relay the said railway with new rails and sleepers, subject to the provisions, so far as the same may be applicable, of any agreement between the company and the said city respecting the grade of the streets and the mode of constructing the railway thereon, and the supervision of the engineer of the said city.

Erection of poles and wires.

3. The said company is authorized to erect on the streets and roads of the said city and the adjoining municipalities the necessary poles and wires for the working of the said railway by electricity, subject to such reasonable regulations as may be prescribed by the said city and municipalities, and to alter the same from time to time as may be necessary.

Extension of line.

4. The said company is authorized to extend their said railway over and upon such streets and roads in the said city and municipalities as they may think it expedient to construct the said railway upon, subject to such restrictions as shall after the passing of this Act be applicable to that portion of the road already constructed.

Power to acquire real estate and manufacture electricity.

5. The said company shall have power to acquire the necessary real estate for the erection of buildings and machinery for the production of electricity for the purposes aforesaid and to manufacture electricity or to enter into any agreement with any other company or individuals for the working of the said road by electricity or otherwise.

No. 9.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act to incorporate the Kingston Street Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 9.] **BILL.** [1893.

An Act to amend the Act to incorporate the Kingston Street Railway Company.

Preamble.

WHEREAS the Kingston Street Railway Company has by its petition prayed that the powers thereof enacted by the Act to incorporate the said company, passed in the 39th year of Her Majesty's reign and chaptered 74, may be extended as hereinafter provided; and whereas the municipalities of the township of Kingston and the village of Portsmouth in the county of Frontenac, being municipalities adjoining the city of Kingston, have, by resolutions of the councils thereof, requested that the said street railway company should be allowed to use electricity as a motive power for its road; and whereas the corporation of the city of Kingston and the said company have entered into the agreement which forms schedule "A" to this Act, and the said corporation and the said company have prayed that the said agreement should be ratified and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement with city of Kingston confirmed.

1. The said agreement between the corporation of the city of Kingston and the said Kingston Street Railway Company, which forms schedule "A" to this Act, is hereby validated and confirmed, and the said parties shall be taken to have had power and authority to make the same at the time of the date thereof.

39 V. c. 74, s. 7, amended.

2. Section 7 of the said Act incorporating the said company is hereby amended by substituting for the words "a single track iron railway" the words "a single or double iron or steel railway."

39 V. c. 74, s. 8, amended.

3. Section 8 of the said Act as to the fares to be charged is hereby made subject to the terms of the said agreement.

Power to acquire lands for buildings, etc.

4. The said company shall have power to acquire the necessary real estate for the erection of buildings and machinery for the production of electricity for the purposes of running its road and to manufacture electricity, or without prejudice to and subject to the agreement in said schedule "A," to enter into any agreement with any other company or individuals for the working of the said road by electricity or otherwise as may be agreed upon.

SCHEDULE "A."

Articles of agreement made in triplicate this ninth day of May, 1893, between the corporation of the city of Kingston, hereinafter called "the corporation," of the first part, and the Kingston Street Railway Company, hereinafter called "the company," of the second part.

Whereas, by an Act of the Parliament of the Province of Ontario, passed in the 39th year of Her Majesty's reign, and chaptered 74, the said company was incorporated for the purpose of operating a street railway in the city of Kingston and the adjoining municipalities, with the powers and subject to the conditions in the said Act contained, under and subject to any agreement thereafter to be made between the council of the said corporation and the said company, and under and subject to any by-laws of the said corporation made in pursuance thereof;

And whereas, under the provisions of the said Act, an agreement was entered into between the said corporation and the said company respecting the laying down and running of the said railway and the streets on which the same might be operated, which agreement is dated the seventh day of June, 1876, and was confirmed by a by-law of the said corporation dated the sixteenth day of April, 1877;

And whereas a further agreement for the extension of the railway originally laid down was made between the parties, which is dated the 24th day of April, 1889, and was confirmed by a by-law of the said corporation dated the 30th day of April, 1889;

And whereas it has become expedient that a new agreement shall be made between the parties with the view of improving the railway constructed in pursuance of said agreement, and the parties have agreed upon the terms hereinafter contained as the proper terms to be inserted in the said new agreement.

It is therefore witnessed:—

1. That the said company is hereby authorized and empowered by the said corporation to construct, maintain, complete and operate a single track iron or steel railway with the necessary side-tracks and turn-outs, as hereinafter provided, in and along the following streets, namely: The starting point of the said street railway shall be on Princess street at Alfred street, thence along Princess street to King street, thence along King street to Barrie street, thence up Barrie street to Union street, thence along Union street to the western city limits. Also connecting with the King street line, from King street along Brock street to Ontario street, thence along Ontario street to William street, thence along William street to King street, connecting with the line on that street. Also connecting with the line on Union street, from Union street along Livingston avenue to King street, thence westward along King

street to the western city limits. Also connecting with the Union street line, from Union street along Alfred street to York street, also from Alfred street along Princess street westward to city limits.

2. The said railway shall be worked by electricity, ammonia or compressed air, or by such other motive power as may hereafter be agreed upon by the parties and sanctioned by the corporation by by-law.

3. The said company shall have the right to erect on the streets of the city of Kingston the necessary poles, wires and apparatus for the working of the said railway, subject to the conditions hereinafter contained.

4. The guage of the said railway shall be four feet eight and one-half inches.

5. The rails of the said railway shall be laid so as to cause the least inconvenience possible to general traffic consistently with the proper working of the railway. They shall be laid flush with the streets to the grade given by the engineer of the city of Kingston, hereinafter called the "city engineer," and shall conform to the grade of the streets except as hereafter provided.

6. The tracks shall be laid down in the middle of the street or as may be otherwise agreed on between the parties; and during the construction of the said railway due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the streets shall be left free and unobstructed, and lights, barriers and watchmen shall be provided and kept by the company when and where required to prevent accidents to the public.

7. All excavations necessary in raising and removing the present old tracks and putting down the new track shall be made by the company, and all the work of tamping and packing the ties and laying and lining the track shall be done by the company.

8 If the grade given by the city engineer conforms to the existing street surface, or is above the same to an extent not greater than two inches, the company shall, at its own expense, make up the street surface to the required height, and put the same in as good a condition as it was in before the excavation was commenced. The company shall, in restoring the streets, use similar material to that of which the roadbed is composed to the satisfaction of the city engineer, removing all rough stone and dirt, and shall roll the surface firm and compact to the satisfaction of the said city engineer. Should the corporation desire to change the grade of any street before the track is laid down, the excavation or filling therefor, except as hereinbefore provided, shall be done by the corporation.

9. Should the corporation at any time after the track is laid down desire to change the grade of any street on which the track has been laid, it shall have the right to do so, and the company shall raise or lower its track when required to do so

to the satisfaction of the corporation; but such raising or lowering shall be done at the expense of the corporation except that the company shall supply any new ties, stringers or rails necessitated by the change at its own expense.

10. Not more than 1,500 feet of the track shall be in hands in the laying down and making and completing at one time, and not more than 15 days shall be occupied in completing this length, laying the track and remaking the street in accordance with this agreement, and before commencing to lay their track in any street where by this agreement it is their duty to make up and restore the street surface the company shall deposit with the city treasurer the sum of $300 as a guarantee that they will so make up and restore the street, said sum to be returned to the company on the certificate of the city engineer that said street is satisfactory to him, otherwise said deposit, or as much of it as may be required, shall be applied by the corporation for the purpose of making said street surface into a proper condition, and if any of said deposit is so applied or becomes so applicable the said company, before it takes in hand the laying down and making and completing any further part of the track, shall deposit with the said city treasurer a sum sufficient to make up the said deposit to a sum of $300 over and above the moneys so applied or applicable to be similarly disposed of, and so in the case of each further part of the track taken in hand by the said company for said purposes. And upon the completion of the road as certified by the city engineer the unused balance of said deposits to be returned to the company with the interest at the rate of 4 per cent. per annum.

11. The rails, points, switches and appliances to be used by the company in the construction of the track, and the radius of all curves and the position of switches, side-tracks and turnouts shall be subject to the approval of the city engineer. No more switches, side-tracks or turnouts than are necessary shall be laid, and not more than one of either kind in 1,000 feet without the leave of the city engineer, and any rails, curves, switches, side-tracks or turnouts or other portions of the track not satisfactory to the city engineer must be forthwith removed by the company. The side-track now laid down on Ontario street is hereby allowed.

12. The poles for supporting the wires used by the company shall be satisfactory to the city engineer; and the same shall be located and placed subject to his approval.

13. All the plant used by the company for the operation of the road, including cars, wires and motors, shall be first-clsss of its kind and modern at the time of its completion.

14. The corporation shall have the right to take up the streets traversed by the railway, either for the purpose of altering the grades thereof, constructing or repairing drains; laying down or repairing water or gas pipes, and all other purposes within the province and powers of the corporation without being liable for any compensation or for any damage that

may be occasioned to the working of the railway or to the works connected therewith by the interruption of the traffic of the railway or the taking up of the works; but the corporation shall use all reasonable dispatch in replacing the track and works disturbed;

15. The following clauses relating to repairs distinguished by the letters (*a*),(*b*),(*c*),(*d*) shall come into force and effect between the parties after the expiration of fifteen years from the first of July, 1894, but not before that time, and from the time that the said new road is completed until the expiration of the said fifteen years the repairs therein provided for shall be done by the corporation.

(*a*) The company shall keep in thorough repair all street surface and all crossings inside the rails and eighteen inches outside the rails, and where there is a switch or side-track the space between the two sets of tracks shall also be kept in repair by the company.

(*b*) When street crossings are higher than the general street grade, the company shall not interfere with the height of said crossings but shall maintain them at the height required by the city engineer.

(*c*) When the portion of the street or streets to be kept in repair by the company is, in the opinion of the city engineer, out of repair, he shall notify the company to that effect, stating the place where said repairs are necessary and the estimated cost of making the same, and the company must proceed to make said repairs within three days of the serving of the notice and must have the same completed within fourteen days thereafter, and if the said repairs are not made in a manner satisfactory to the city engineer, and the company neglects to make them so satisfactory forthwith, the city engineer, the mayor and the chairman of streets shall together examine the portion of the street complained of, and the majority of them shall decide what is necessary to be done, and their decision which shall be given in writing shall be final. If the said repairs so decided upon are not proceeded with by the company within three days of the serving upon it of notice of such decision, the corporation may then proceed and make said repairs and charge and recover from the company the amount of the cost thereof.

(*d*) If the company neglects to make the required repairs for six months after notice of said decision has been served upon it, or to pay the expense thereof within the said time if previously made by the corporation, under ss. (*c*) the corporation may take the steps for forfeiting the rights and privileges of the company under this agreement and cancelling the same provided by section 20 of this agreement in the manner and subject to the limitations mentioned in said section.

16. The following provisions regulating the running of the said street railway shall be observed by the said company, and the same shall refer to the running of sleighs as well as cars, as far as the same may be applicable.

(*a*) The tracks, side-tracks, turnouts, rails, poles, wires, cars, and plant of the company shall be kept constantly in good repair and in an efficient and safe state, and the cars shall be properly heated and lighted and kept clean and comfortable.

(*b*) The company shall, during the winter months, have the right to substitute sleighs for cars, and to run the same on the winter roads of the city along the line of the railway track.

(*c*) Until it is otherwise agreed between the parties, the cars shall commence running at half-past six o'clock a.m. of each day, and shall continue running until 10.30 p.m. over the whole track. They shall be run so that not more than fifteen minutes shall intervene between the passage of one car in either direction at any point on the line and the arrival of another at the same point, and so on continuously throughout the day, except as to the section on Princess street from Alfred street westward to the city limits, on which the time shall be thirty minutes.

(*d*) The company may collect from every person on entering any of its cars, for riding any distance on their railway in the same continuous route, between 6.30 a.m. and 10.30 p.m. a sum not exceeding five cents, and between the hours of 10.30 p.m. and 6.30 a.m., a sum not exceeding ten cents (except children under five years of age accompanied by parent or other person having them in charge, which children shall ride free provided they do not occupy seats.) The company shall grant transfers without additional charge for all continuous trips which are not returns, and shall issue workmen's tickets at eight for 25 cents good during the following hours, namely: 6.30 to 8 a.m., and 6 to 6.30 p.m., and shall also carry children between five and twelve years of age for a cash fare of three cents, or give ten children's tickets for 25 cents, and also carry free of charge all police constables in uniform, and all city detectives wearing badges, and no conductor shall collect a higher fare than is allowed by this agreement. The company may also charge a reasonable compensation, to be approved of by the city council by by-law, for carrying packages and bundles as common carriers; but no extra charge shall be made for any valise, satchel, market-basket or parcel of reasonable size carried by any passenger.

(*e*) Cars running in the same direction or in opposite directions on the same track shall not approach each other within a distance of one hundred feet, except in case of accident or when it may be necessary to connect them together, and except at stations and turn-outs. The rate of speed of all cars shall be subject to the direction of the city council from time to time.

(*f*) The ordinary rate of speed at which the cars shall run shall not exceed fifteen miles an hour, but while the cars are turning the corners from one street to another they shall be run at the rate of not more than four miles an hour.

(*g*) No car shall be allowed to stop on a street crossing, or across any intersecting street except to avoid collision or to prevent danger to persons in the streets or for other sufficient

cause; and no car after starting shall stop except at the intersections of streets and at crossings, for the purpose of receiving and discharging passengers, and then no longer than is necessary for such purposes.

When any car is stopped at the intersection of streets to receive or discharge passengers it shall be so located as to leave the rear platform slightly over the street crossing. If any car runs off the track or is upset, it shall be immediately righted and replaced on the track.

(*h*) There shall be not less than two persons in charge of each car.

(*i*) It shall be the duty of the company to employ careful, sober and prudent conductors and motor men to take charge of their cars while on the road; and it shall be the duty of such motor men as far as practicable to keep a vigilant watch for all teams, carriages and persons on foot, and especially children, either upon the track or moving towards it; and on the first appearance of danger the cars shall be stopped in the shortest time and space possible.

(*j*) The conductors shall use due diligence to prevent any passengers from entering or leaving the car while in motion.

(*k*) The cars, after sunset, shall be provided with coloured signal lights of a different colour for each route, and a bright head-light on every car; and each car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*l*) It shall be lawful at all times for all and every person or persons with horses, carriages or any kind or description of vehicle, whether loaded or not, to travel upon and along the track of the said railway, provided that in so doing they shall not interfere with or impede the cars running thereon, which in all instances shall be entitled to the first right of way on the said track.

(*m*) The corporation shall by by-law, as far as it has or may receive power, protect the company in the use and enjoyment of its track and road, and in the collection of the fares payable by the passengers and for carrying packages and bundles as is provided in the by-law hereinbefore referred to and passed by the said corporation on the 16th day of April, 1877—provided that all prosecutions shall be instituted by and carried on solely at the expense of the company, and no cost or expense shall be incurred by the corporation by reason of anything in this sub-section contained.

(*n*) The said company shall keep tickets for sale at some place in the business portion of the city, convenient for the people, and also upon their cars, and they shall sell tickets to persons desiring the same at a rate not exceeding twenty-five cents for six tickets for fare between 6.30 a.m. and 10.30 p.m., to any point on the line within the city.

(*o*) The company shall also have painted in large, plain letters on a conspicuous place on the outside of each car, the number thereof, and shall place thereon the name of the route

over which the car is to be run so that such name and number may be readily seen and read by day or night, and each person employed in running a car shall, when so employed, have his number conspicuously shown on the breast of his coat or on his hat.

(*p*) The corporation shall have the right to make such further rules, regulations, orders and by-laws in relation to the operation of the said railway as from time to time may be necessary to protect the interests of the said city, or to provide for the safety, welfare or accommodation of the public, but no alterations in these provisions shall be made which shall have the effect of substantially imparing the rights of the said company.

(*q*) All snow and ice on the streets which the company uses for the running of its cars shall during such use be kept at such a level to a distance of 15 feet on each side of the track and between the rails of the track on the following streets; and where there are switches and turn-outs between the same on Ontario from William to Brock street, on Brock street from Ontario to King street, on King street from Brock to Princess street, on Princess from King to Alfred street and twelve feet on each side of the track and between the rails of the track on the other streets, and where there are switches and turn-outs between the same that general traffic will not be interfered with within the space so agreed to be kept level; and if the company neglects to keep the said streets clear of snow and ice and fit for general traffic in manner aforesaid after due notice requesting it to do so has been served upon it, the corporation may remove the said snow and ice and charge the expense thereof to the said company. The use of salt for the purpose of removing snow or ice from the track is strictly prohibited.

17. The said company shall be liable for all damages arising out of the construction, maintenance and operation of the railway and shall hold and keep harmless and indemnified the said corporation from all actions suits, costs, claims, damages and demands which may arise or be brought or recovered against the said corporation in consequence of the concessions and privileges hereby granted or in consequence of the construction, maintenance or operation of the said railway including damages arising from the non-removal of snow and ice by the company when it is their duty to remove the same or the non-compliance with the conditions of this agreement with respect to the same.

18. The said agreements of the 7th day of June, 1876, and the 24th day of April, 1889, and the agreement between the parties dated on the 13th day of May, 1889 as to repairs shall continue in force and shall apply to the now existing railway of the said company until the new road to be constructed shall have been finally certified by the city engineer to have been completed to his satisfaction whereupon the said agreements

shall be abrogated except as to any claims accrued to either of the parties thereunder and the by-laws sanctioning the same shall be repealed.

19. The said company shall complete the said new road and have the same fully equipped and in running order and shall commence running cars thereon by the first day of January, 1895, except the section on Princess street from Alfred street westward to the city limits which shall be completed by the first day of January, 1896, and the company shall have the right on the completion of any 1,500 feet section of the road to the satisfaction of the city engineer to be certified by him to run its cars over and operate the said section.

20. Should the company fail to complete said railway and to commence running cars thereon as authorized by this agreement within the time limited thereby, or should the said company neglect to run said cars on said railway or on any part thereof after the completion thereof as provided by this agreement or any future agreement between the parties for the space of six successive months, or should the said company make default for the space of six months in payment of any of the moneys which may from time to time become payable by the company to the corporation or which may have been recovered by the corporation against it in any suit or action by the corporation or which it may have been ordered to pay by any court to the corporation under and by virtue of the provisions of this agreement, then the said corporation may on giving notice of its intention once a week for two months in the official *Gazette* for the Province of Ontario and in a local newspaper published in the city of Kingston (unless in the meantime the default made by the company has been made good or the cause of complaint removed), by resolution of the council thereof, declare that the said company has forfeited all privileges and rights which it may have acquired by this agreement, and may repeal the by-law connected therewith and the said privileges and rights shall be forfeited accordingly and this agreement rescinded, and in such case and in all cases in which a forfeiture has been declared by the council under the provisions of this agreement, the corporation reserves the right to cause all obstructions and materials placed in said streets by said company under this agreement or any former agreement to be removed therefrom, and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon, and the expense thereof shall be paid to the said corporation by said company, and the said corporation also in such case reserves the right to run the said railway, or to grant the same rights and privileges to any person or persons, company or companies, free from all charges or liabilities for damage on account thereof.

21. Where necessary in cases of fire, the chief engineer or person in charge of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operations of the firemen or to direct that they shall be so cut

or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, and the corporation shall not be liable for any loss or damage thus caused.

22. In the event of the corporation desiring the laying down of a railway on any other streets or parts of streets in the city than those on which by this agreement the railway is allowed to be laid down, the corporation may serve a written notice on the said company stating the streets on which it is required that the said new railway should be laid down, and the terms and conditions on which the corporation desires that it shall be constructed and operated which terms and conditions may vary or differ from the terms and conditions contained in this agreement except as to the gauge and motive power used on the road which must be similar to that then used by the company, and if the company within six months from the date of such notice is willing to enter into a contract for the construction and operation of such new railway on the terms required and agrees to carry out the same within a further period of six months thereafter, then the privilege of constructing and operating such new railway shall be granted to the company, otherwise the corporation may itself construct and operate such new railway or may grant the construction and operation thereof to some other company or person on similar terms to those offered to the said company but not otherwise.

23. The agreement herein contained shall remain in force for a period of forty years from the first day of July, 1894, after which time the right of the said company to use the said streets shall cease and determine, and the corporation shall at the end of the said time unless the same is extended as hereinafter provided take over the plant and property of the said company at a valuation to be determined by arbitration in manner similar to that provided by sub-sections 2, 3 and 4, of section 4, of the Act passed in the 55th year of Her Majesty's reign, chapter 99, being an Act respecting the Toronto Street Railway, which provisions shall be incorporated into and form part of this agreement.

24. Should the said corporation not desire to take over the said plant and property, it shall give notice one year before the termination of the said period of forty years that it does not so desire whereupon the said company shall be entitled to a further extension of the right to use and operate the said railway for a period of 20 years upon terms to be settled by agreement between the parties, or if they cannot agree by arbitration between the parties each of whom shall choose one arbitrator and the two so chosen shall choose a third, but any agreement for renewal shall provide for a further renewal or extension for a similar time, unless the said plant and property is taken over by the said corporation at the end of the said period of twenty years in manner provided by sections 23 and 24 of this agreement and so on until the corporation shall exercise its right to take over the said plant and property, and the corporation shall have the right at the expiration of

each successive extension of said term either to take over the said plant and property as herein provided or to extend the right to use and operate the said railway for a further period.

25. If the corporation shall by a two-thirds vote of the council request the company to adopt any other method than the system first adopted by it in running its cars such other method shall be adopted by the company at its own expense within one year after the passage of any such resolution of the council and the poles and wires and overhead construction used by it so far as they may not be required for the new system shall be removed by the company within that time, provided that the company shall not be obliged to make any change in the system first adopted by them before the expiration of fifteen years from the completion of the said new road. Should the company be requested by the corporation to make such change it shall have the right to object to the required change as being unreasonable or as entailing unreasonable expense upon it and such right shall be exercised by giving within two months after the request having been served upon it two months' notice in writing of its intention to appeal to a board of arbitrators. Such board of arbitrators shall consist of three persons, one of whom shall be named in the notice of appeal given by the company and one shall be named by the corporation within two months after receiving such notice, and the third shall be appointed by the two so named, or in case of their failure to appoint such third arbitrator within one month after the appointment of the corporation's arbitrator he may, upon application by either party, after one week's notice to the other be appointed by a judge of the high court, and if such arbitrators, or the majority of them, declare by their award in writing signed by them that the request of the corporation is unreasonable the company shall not then be obliged to make the change except upon such terms as to contribution by the corporation to the cost thereof as the said arbitrators or a majority of them, may by such award decide to be fair and just.

25*a*. In all arbitrations under this agreement a majority of the arbitrators shall be competent and are hereby authorized to make an award and an award so made shall be valid and binding as if assented to by all the arbitrators.

26. Each of the parties shall in any arbitration under this agreement bear its own costs and one-half the costs of the arbitrators and award.

Witness the seals of the said corporation and company and the signatures of the presiding officers thereof the day and year first above written.

Signed, sealed and delivered in the presence of

(Signed), RICHARD T. WALKEM.

Clause 25*a* having been first written in.

[SEAL.] (Signed), BENJAMIN W. FALGERPEST.

(Signed), NEIL C. POLSON, Mayor.

(Signed), T. H. SARGENT, [SEAL.]
Sec'y-Treas.

(Signed), W. FLANAGAN,
City Clerk, Witness to Mayor's signature.

No. 9.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act to incorporate the Kingston Street Railway Company.

First Reading, 11th May, 1893.

(Reprinted as amended by the Private Bills Committee).

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 9.] **BILL.** [1893.

An Act to amend the Act to incorporate the Kingston Street Railway Company.

Preamble.

WHEREAS the Kingston Street Railway Company has by its petition prayed that the powers thereof enacted by the Act to incorporate the said company, passed in the 39th year of Her Majesty's reign and chaptered 74, may be extended as hereinafter provided; and whereas the municipalities of the township of Kingston and the village of Portsmouth in the county of Frontenac, being municipalities adjoining the city of Kingston, have, by resolutions of the councils thereof, requested that the said street railway company should be allowed to use electricity as a motive power for its road; and whereas the corporation of the city of Kingston and the said company have entered into the agreement which forms schedule "A" to this Act, and the said corporation and the said company have prayed that the said agreement should be ratified and confirmed; and whereas the said company has also prayed that the name be changed as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement with city of Kingston confirmed.

1. The said agreement between the corporation of the city of Kingston and the said Kingston Street Railway Company, which forms schedule "A" to this Act, is hereby validated and confirmed, and the said parties shall be taken to have had power and authority to make the same at the time of the date thereof.

39 V. c. 74, s. 7, amended.

2. Section 7 of the said Act incorporating the said company is hereby amended by substituting for the words "a single track iron railway" the words "a single or double *track* iron or steel railway."

39 V. c. 74, s. 8, amended.

3. Section 8 of the said Act as to the fares to be charged is hereby made subject to the terms of the said agreement.

Power to acquire lands for buildings, etc.

4. The said company shall have power to acquire the necessary real estate for the erection of buildings and machinery for the production of electricity for the purposes of running its road and to manufacture electricity, *or* without prejudice to and subject to the agreement in said schedule "A," to enter

into any agreement with any other company or individuals for the working of the said road by electricity or otherwise as may be agreed upon.

Name of company changed.

☞ **5.** The said Kingston Street Railway Company shall hereafter be called and known as "The Kingston, Portsmouth and Cataraqui Street Railway Company," but the change in the name thereof shall in no wise affect or prejudice the said agreement set out in said schedule "A," which will be read as though the said Kingston Street Railway Company were therein styled "The Kingston, Portsmouth and Cataraqui Street Railway Company"; or any other contracts, agreements or obligations of the said The Kingston Street Railway Company with the corporation of the city of Kingston or other parties which may be enforced by or against the said company under the new name thereof. ☜

SCHEDULE "A."

Articles of agreement made in triplicate this ninth day of May, 1893, between the corporation of the city of Kingston, hereinafter called "the corporation," of the first part, and the Kingston Street Railway Company, hereinafter called "the company," of the second part.

Whereas, by an Act of the Parliament of the Province of Ontario, passed in the 39th year of Her Majesty's reign, and chaptered 74, the said company was incorporated for the purpose of operating a street railway in the city of Kingston and the adjoining municipalities, with the powers and subject to the conditions in the said Act contained, under and subject to any agreement thereafter to be made between the council of the said corporation and the said company, and under and subject to any by-laws of the said corporation made in pursuance thereof;

And whereas, under the provisions of the said Act, an agreement was entered into between the said corporation and the said company respecting the laying down and running of the said railway and the streets on which the same might be operated, which agreement is dated the seventh day of June, 1876, and was confirmed by a by-law of the said corporation dated the sixteenth day of April, 1877;

And whereas a further agreement for the extension of the railway originally laid down was made between the parties which is dated the 24th day of April, 1889, and was confirmed by a by-law of the said corporation dated the 30th day of April, 1889;

And whereas it has become expedient that a new agreement shall be made between the parties with the view of improving the railway constructed in pursuance of said agreement, and the parties have agreed upon the terms hereinafter contained as the proper terms to be inserted in the said new agreement.

It is therefore witnessed :—

1. That the said company is hereby authorized and empowered by the said corporation to construct, maintain, complete and operate a single track iron or steel railway with the necessary side-tracks and turn-outs, as hereinafter provided, in and along the following streets, namely : The starting point of the said street railway shall be on Princess street at Alfred street, thence along Princess street to King street, thence along King street to Barrie street, thence up Barrie street to Union street, thence along Union street to the western city limits. Also connecting with the King street line, from King street along Brock street to Ontario street, thence along Ontario street to William street, thence along William street to King street, connecting with the line on that street. Also connecting with the line on Union street, from Union street along Livingston avenue to King street, thence westward along King street to the western city limits. Also connecting with the Union street line, from Union street along Alfred street to York street, also from Alfred street along Princess street westward to city limits.

2. The said railway shall be worked by electricity, ammonia or compressed air, or by such other motive power as may hereafter be agreed upon by the parties and sanctioned by the corporation by by-law.

3. The said company shall have the right to erect on the streets of the city of Kingston the necessary poles, wires and apparatus for the working of the said railway, subject to the conditions hereinafter contained.

4. The guage of the said railway shall be four feet eight and one-half inches.

5. The rails of the said railway shall be laid so as to cause the least inconvenience possible to general traffic consistently with the proper working of the railway. They shall be laid flush with the streets to the grade given by the engineer of the city of Kingston, hereinafter called the " city engineer," and shall conform to the grade of the streets except as hereafter provided.

6. The tracks shall be laid down in the middle of the street or as may be otherwise agreed on between the parties ; and during the construction of the said railway due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the streets shall be left free and unobstructed, and lights, barriers and watchmen shall be provided and kept by the company when and where required to prevent accidents to the public.

7. All excavations necessary in raising and removing the present old tracks and putting down the new track shall be made by the company, and all the work of tamping and packing the ties and laying and lining the track shall be done by the company.

8 If the grade given by the city engineer conforms to the existing street surface, or is above the same to an extent not

greater than two inches, the company shall, at its own expense, make up the street surface to the required height, and put the same in as good a condition as it was in before the excavation was commenced The company shall, in restoring the streets, use similar material to that of which the roadbed is composed to the satisfaction of the city engineer, removing all rough stone and dirt, and shall roll the surface firm and compact to the satisfaction of the said city engineer. Should the corporation desire to change the grade of any street before the track is laid down, the excavation or filling therefor, except as hereinbefore provided, shall be done by the corporation.

9. Should the corporation at any time after the track is laid down desire to change the grade of any street on which the track has been laid, it shall have the right to do so, and the company shall raise or lower its track when required to do so to the satisfaction of the corporation; but such raising or lowering shall be done at the expense of the corporation except that the company shall supply any new ties, stringers or rails necessitated by the change at its own expense.

10. Not more than 1,500 feet of the track shall be in hands in the laying down and making and completing at one time, and not more than 15 days shall be occupied in completing this length, laying the track and remaking the street in accordance with this agreement, and before commencing to lay their track in any street where by this agreement it is their duty to make up and restore the street surface the company shall deposit with the city treasurer the sum of $300 as a guarantee that they will so make up and restore the street, said sum to be returned to the company on the certificate of the city engineer that said street is satisfactory to him, otherwise said deposit, or as much of it as may be required, shall be applied by the corporation for the purpose of making said street surface into a proper condition, and if any of said deposit is so applied or becomes so applicable the said company, before it takes in hand the laying down and making and completing any further part of the track, shall deposit with the said city treasurer a sum sufficient to make up the said deposit to a sum of $300 over and above the moneys so applied or applicable to be similarly disposed of, and so in the case of each further part of the track taken in hand by the said company for said purposes. And upon the completion of the road as certified by the city engineer the unused balance of said deposits to be returned to the company with the interest at the rate of 4 per cent per annum.

11. The rails, points, switches and appliances to be used by the company in the construction of the track, and the radius of all curves and the position of switches, side-tracks and turnouts shall be subject to the approval of the city engineer. No more switches, side-tracks or turnouts than are necessary shall be laid, and not more than one of either kind in 1,000 feet without the leave of the city engineer, and any rails, curves,

switches, side-tracks or turnouts or other portions of the track not satisfactory to the city engineer must be forthwith removed by the company. The side-track now laid down on Ontario street is hereby allowed.

12. The poles for supporting the wires used by the company shall be satisfactory to the city engineer; and the same shall be located and placed subject to his approval.

13. All the plant used by the company for the operation of the road, including cars, wires and motors, shall be first-clsss of its kind and modern at the time of its completion.

14. The corporation shall have the right to take up the streets traversed by the railway, either for the purpose of altering the grades thereof, constructing or repairing drains; laying down or repairing water or gas pipes, and all other purposes within the province and powers of the corporation without being liable for any compensation or for any damage that may be occasioned to the working of the railway or to the works connected therewith by the interruption of the traffic of the railway or the taking up of the works; but the corporation shall use all reasonable dispatch in replacing the track and works disturbed;

15. The following clauses relating to repairs distinguished by the letters (*a*),(*b*),(*c*),(*d*) shall come into force and effect between the parties after the expiration of fifteen years from the first of July, 1894, but not before that time, and from the time that the said new road is completed until the expiration of the said fifteen years the repairs therein provided for shall be done by the corporation.

(*a*) The company shall keep in thorough repair all street surface and all crossings inside the rails and eighteen inches outside the rails, and where there is a switch or side-track the space between the two sets of tracks shall also be kept in repair by the company.

(*b*) When street crossings are higher than the general street grade, the company shall not interfere with the height of said crossings but shall maintain them at the height required by the city engineer.

(*c*) When the portion of the street or streets to be kept in repair by the company is, in the opinion of the city engineer, out of repair, he shall notify the company to that effect, stating the place where said repairs are necessary and the estimated cost of making the same, and the company must proceed to make said repairs within three days of the serving of the notice and must have the same completed within fourteen days thereafter, and if the said repairs are not made in a manner satisfactory to the city engineer, and the company neglects to make them so satisfactory forthwith, the city engineer, the mayor and the chairman of streets shall together examine the portion of the street complained of, and the majority of them shall decide what is necessary to be done, and their decision which shall be given in writing shall be final. If the said repairs so decided upon are not proceeded with by the company

within three days of the serving upon it of notice of such decision, the corporation may then proceed and make said repairs and charge and recover from the company the amount of the cost thereof.

(*d*) If the company neglects to make the required repairs for six months after notice of said decision has been served upon it, or to pay the expense thereof within the said time if previously made by the corporation under ss. (*c*) the corporation may take the steps for forfeiting the rights and privileges of the company under this agreement and cancelling the same provided by section 20 of this agreement in the manner and subject to the limitations mentioned in said section.

16. The following provisions regulating the running of the said street railway shall be observed by the said company, and the same shall refer to the running of sleighs as well as cars, as far as the same may be applicable.

(*a*) The tracks, side-tracks, turnouts, rails, poles, wires, cars, and plant of the company shall be kept constantly in good repair and in an efficient and safe state, and the cars shall be properly heated and lighted and kept clean and comfortable.

(*b*) The company shall, during the winter months, have the right to substitute sleighs for cars, and to run the same on the winter roads of the city along the line of the railway track.

(*c*) Until it is otherwise agreed between the parties, the cars shall commence running at half-past six o'clock a.m. of each day, and shall continue running until 10.30 p.m. over the whole track. They shall be run so that not more than fifteen minutes shall intervene between the passage of one car in either direction at any point on the line and the arrival of another at the same point, and so on continuously throughout the day, except as to the section on Princess street from Alfred street westward to the city limits, on which the time shall be thirty minutes.

(*d*) The company may collect from every person on entering any of its cars, for riding any distance on their railway in the same continuous route, between 6.30 a.m. and 10.30 p.m. a sum not exceeding five cents, and between the hours of 10.30 p.m. and 6.30 a.m., a sum not exceeding ten cents (except children under five years of age accompanied by a parent or other person having them in charge, which children shall ride free provided they do not occupy seats.) The company shall grant transfers without additional charge for all continuous trips which are not returns, and shall issue workmen's tickets at eight for 25 cents good during the following hours, namely: 6.30 to 8 a.m., and 6 to 6.30 p.m., and shall also carry children between five and twelve years of age for a cash fare of three cents, or give ten children's tickets for 25 cents, and also carry free of charge all police constables in uniform, and all city detectives wearing badges, and no conductor shall collect a higher fare than is allowed by this agreement. The company may also charge a reasonable compensation, to be approved of by the city council by by-law, for carrying packages and bundles as

common carriers; but no extra charge shall be made for any valise, satchel, market-basket or parcel of reasonable size carried by any passenger.

(*e*) Cars running in the same direction or in opposite directions on the same track shall not approach each other within a distance of one hundred feet, except in case of accident or when it may be necessary to connect them together, and except at stations and turn-outs. The rate of speed of all cars shall be subject to the direction of the city council from time to time.

(*f*) The ordinary rate of speed at which the cars shall run shall not exceed fifteen miles an hour, but while the cars are turning the corners from one street to another they shall be run at the rate of not more than four miles an hour.

(*g*) No car shall be allowed to stop on a street crossing, or across any intersecting street except to avoid collision or to prevent danger to persons in the streets or for other sufficient cause; and no car after starting shall stop except at the intersections of streets and at crossings, for the purpose of receiving and discharging passengers, and then no longer than is necessary for such purposes.

When any car is stopped at the intersection of streets to receive or discharge passengers it shall be so located as to leave the rear platform slightly over the street crossing. If any car runs off the track or is upset, it shall be immediately righted and replaced on the track.

(*h*) There shall be not less than two persons in charge of each car.

(*i*) It shall be the duty of the company to employ careful, sober and prudent conductors and motor men to take charge of their cars while on the road; and it shall be the duty of such motor men as far as practicable to keep a vigilant watch for all teams, carriages and persons on foot, and especially children, either upon the track or moving towards it; and on the first appearance of danger the cars shall be stopped in the shortest time and space possible.

(*j*) The conductors shall use due diligence to prevent any passengers from entering or leaving the car while in motion.

(*k*) The cars, after sunset, shall be provided with coloured signal lights of a different colour for each route, and a bright head-light on every car; and each car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*l*) It shall be lawful at all times for all and every person or persons with horses, carriages or any kind or description of vehicle, whether loaded or not, to travel upon and along the track of the said railway, provided that in so doing they shall not interfere with or impede the cars running thereon, which in all instances shall be entitled to the first right of way on the said track.

(*m*) The corporation shall by by-law, as far as it has or may receive power, protect the company in the use and enjoyment of its track and road, and in the collection of the fares payable

by the passengers and for carrying packages and bundles as is provided in the by-law hereinbefore referred to and passed by the said corporation on the 16th day of April, 1877—provided that all prosecutions shall be instituted by and carried on solely at the expense of the company, and no cost or expense shall be incurred by the corporation by reason of anything in this sub-section contained.

(*n*) The said company shall keep tickets for sale at some place in the business portion of the city, convenient for the people, and also upon their cars, and they shall sell tickets to persons desiring the same at a rate not exceeding twenty-five cents for six tickets for fare between 6.30 a.m. and 10.30 p.m., to any point on the line within the city.

(*o*) The company shall also have painted in large, plain letters on a conspicuous place on the outside of each car, the number thereof, and shall place thereon the name of the route over which the car is to be run so that such name and number may be readily seen and read by day or night, and each person employed in running a car shall, when so employed, have his number conspicuously shown on the breast of his coat or on his hat.

(*p*) The corporation shall have the right to make such further rules, regulations, orders and by-laws in relation to the operation of the said railway as from time to time may be necessary to protect the interests of the said city, or to provide for the safety, welfare or accommodation of the public, but no alterations in these provisions shall be made which shall have the effect of substantially impairing the rights of the said company.

(*q*) All snow and ice on the streets which the company uses for the running of its cars shall during such *user* be kept at such a level to a distance of 15 feet on each side of the track and between the rails of the track on the following streets; and where there are switches and turn-outs between the same on Ontario from William to Brock street, on Brock street from Ontario to King street, on King street from Brock to Princess street, on Princess from King to Alfred street and twelve feet on each side of the track and between the rails of the track on the other streets, and where there are switches and turn-outs between the same, that general traffic will not be interfered with within the space so agreed to be kept level; and if the company neglects to keep the said streets clear of snow and ice and fit for general traffic in manner aforesaid after due notice requesting it to do so has been served upon it, the corporation may remove the said snow and ice and charge the expense thereof to the said company. The use of salt for the purpose of removing snow or ice from the track is strictly prohibited.

17. The said company shall be liable for all damages arising out of the construction, maintenance and operation of the railway and shall hold and keep harmless and indemnified the said corporation from all actions suits, costs, claims, dam-

ages and demands which may arise or be brought or recovered against the said corporation in consequence of the concessions and privileges hereby granted or in consequence of the construction, maintenance or operation of the said railway including damages arising from the non-removal of snow and ice by the company when it is their duty to remove the same or the non-compliance with the conditions of this agreement with respect to the same.

18. The said agreements of the 7th day of June, 1876, and the 24th day of April, 1889, and the agreement between the parties dated on the 13th day of May, 1889 as to repairs shall continue in force and shall apply to the now existing railway of the said company until the new road to be constructed shall have been finally certified by the city engineer to have been completed to his satisfaction whereupon the said agreements shall be abrogated except as to any claims accrued to either of the parties thereunder and the by-laws sanctioning the same shall be repealed.

19. The said company shall complete the said new road and have the same fully equipped and in running order and shall commence running cars thereon by the first day of January, 1895, except the section on Princess street from Alfred street westward to the city limits which shall be completed by the first day of January, 1896, and the company shall have the right on the completion of any 1,500 feet section of the road to the satisfaction of the city engineer to be certified by him to run its cars over and operate the said section.

20. Should the company fail to complete said railway and to commence running cars thereon as authorized by this agreement within the time limited thereby, or should the said company neglect to run said cars on said railway or on any part thereof after the completion thereof as provided by this agreement or any future agreement between the parties for the space of six successive months, or should the said company make default for the space of six months in payment of any of the moneys which may from time to time become payable by the company to the corporation or which may have been recovered by the corporation against it in any suit or action by the corporation or which it may have been ordered to pay by any court to the corporation under and by virtue of the provisions of this agreement, then the said corporation may on giving notice of its intention once a week for two months in the official *Gazette* for the Province of Ontario and in a local newspaper published in the city of Kingston (unless in the meantime the default made by the company has been made good or the cause of complaint removed), by resolution of the council thereof, declare that the said company has forfeited all privileges and rights which it may have acquired by this agreement, and may repeal the by-law connected therewith and the said privileges and rights shall be forfeited accordingly and this agreement rescinded, and in such case and in all cases in which a forfeiture has been declared by the council under

the provisions of this agreement, the corporation reserves the right to cause all obstructions and materials placed in said streets by said company under this agreement or any former agreement to be removed therefrom, and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon, and the expense thereof shall be paid to the said corporation by said company, and the said corporation also in such case reserves the right to run the said railway, or to grant the same rights and privileges to any person or persons, company or companies, free from all charges or liabilities for damage on account thereof.

21. Where necessary in cases of fire, the chief engineer or person in charge of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operations of the firemen or to direct that they shall be so cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, and the corporation shall not be liable for any loss or damage thus caused.

22. In the event of the corporation desiring the laying down of a railway on any other streets or parts of streets in the city than those on which by this agreement the railway is allowed to be laid down, the corporation may serve a written notice on the said company stating the streets on which it is required that the said new railway should be laid down, and the terms and conditions on which the corporation desires that it shall be constructed and operated which terms and conditions may vary or differ from the terms and conditions contained in this agreement except as to the gauge and motive power used on the road which must be similar to that then used by the company, and if the company within six months from the date of such notice is willing to enter into a contract for the construction and operation of such new railway on the terms required and agrees to carry out the same within a further period of six months thereafter, then the privilege of constructing and operating such new railway shall be granted to the company, otherwise the corporation may itself construct and operate such new railway or may grant the construction and operation thereof to some other company or person on similar terms to those offered to the said company but not otherwise.

23. The agreement herein contained shall remain in force for a period of forty years from the first day of July, 1894, after which time the right of the said company to use the said streets shall cease and determine, and the corporation shall at the end of the said time unless the same is extended as hereinafter provided take over the plant and property of the said company at a valuation to be determined by arbitration in manner similar to that provided by sub-sections 2, 3 and 4, of section 4, of the Act passed in the 55th year of Her Majesty's reign, chapter 99, being an Act respecting the Toronto Street Railway, which provisions shall be incorporated into and form part of this agreement.

24. Should the said corporation not desire to take over the said plant and property, it shall give notice one year before the termination of the said period of forty years that it does not so desire whereupon the said company shall be entitled to a further extension of the right to use and operate the said railway for a period of 20 years upon terms to be settled by agreement between the parties, or if they cannot agree by arbitration between the parties each of whom shall choose one arbitrator and the two so chosen shall choose a third, but any agreement for renewal shall provide for a further renewal or extension for a similar time, unless the said plant and property is taken over by the said corporation at the end of the said period of twenty years in manner provided by sections 23 and 24 of this agreement and so on until the corporation shall exercise its right to take over the said plant and property, and the corporation shall have the right at the expiration of each successive extension of said term either to take over the said plant and property as herein provided or to extend the right to use and operate the said railway for a further period.

25. If the corporation shall by a two-thirds vote of the council request the company to adopt any other method than the system first adopted by it in running its cars such other method shall be adopted by the company at its own expense within one year after the passage of any such resolution of the council and the poles and wires and overhead construction used by it so far as they may not be required for the new system shall be removed by the company within that time, provided that the company shall not be obliged to make any change in the system first adopted by them before the expiration of fifteen years from the completion of the said new road. Should the company be requested by the corporation to make such change it shall have the right to object to the required change as being unreasonable or as entailing unreasonable expense upon it and such right shall be exercised by giving within two months after the request having been served upon it two months' notice in writing of its intention to appeal to a board of arbitrators. Such board of arbitrators shall consist of three persons, one of whom shall be named in the notice of appeal given by the company and one shall be named by the corporation within two months after receiving such notice, and the third shall be appointed by the two so named, or in case of their failure to appoint such third arbitrator within one month after the appointment of the corporation's arbitrator he may, upon application by either party, after one week's notice to the other be appointed by a judge of the high court, and if such arbitrators, or the majority of them, declare by their award in writing signed by them that the request of the corporation is unreasonable the company shall not then be obliged to make the change except upon such terms as to contribution by the corporation to the cost thereof as the said arbitrators or a majority of them, may by such award decide to be fair and just.

25*a*. In all arbitrations under this agreement a majority of the arbitrators shall be competent and are hereby authorized to make an award and an award so made shall be valid and binding as if assented to by all the arbitrators.

26. Each of the parties shall in any arbitration under this agreement bear its own costs and one-half the costs of the arbitrators and award.

Witness the seals of the said corporation and company and the signatures of the presiding officers thereof the day and year first above written.

Signed, sealed and delivered in the presence of

(Signed), RICHARD T. WALKEM.

Clause 25*a* having been first written in.

[SEAL.] (Signed), BENJAMIN W. FOLGEER, Pres.

(Signed), NEIL C. POLSON, Mayor.

(Signed), F. R. SARGENT, [SEAL.]
Sec'y-Treas.

(Signed), M. FLANAGAN,
City Clerk, Witness to Mayor's signature.

No. 9.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act to incorporate the Kingston Street Railway Company.

First Reading, 11th May, 1893.

(*Reprinted as amended by the Committee of the Whole House*).

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 10.] **BILL.** [1893.

An Act respecting the City of London.

Preamble.

WHEREAS the municipal council of the corporation of the city of London and the municipal council of the village of London West have, by their respective petitions, represented that it is desirable to annex the said village of London West to the said city of London, and have prayed that an Act may be passed to effect such annexation; and whereas the said the municipal council of the corporation of the city of London has, by its said petition, prayed that the said council may be authorized to make special provisions as to the assesssment of the real and personal property of the McClary Manufacturing Company and the London Street Railway Company; and also that a certain conveyance by the said corporation to one Alexander Harvey, of part of Great Talbot street, may be confirmed and declared valid, and also that certain amendments may be made to certain special Acts affecting the said city of London; and that certain powers may be conferred on the said corporation with respect to electric power; and that the said corporation may be authorized to purchase certain bonds, debentures and stock of the London and Port Stanley Railway Company, and borrow money for the said purposes; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Village of London West annexed to city of London.

1. On, from and after the day of 1893, the said village of London West shall be annexed to and thenceforth be included within and form part of the said city of London, and shall constitute a new ward of the said city, to be called and known as Ward No. 7, subject to the same provisions of law as would be applicable if such annexation had taken place under the provisions of *The Consolidated Municipal Act, 1892*, except in so far as the provisions of the said Act are inconsistent with the provisions of this Act.

Assessment roll of London West adopted until new roll prepared.

2. The last revised assessment roll of the said village of London West shall be the last revised assessment roll for the said Ward No 7, until an assessment roll for the whole of the said city of London, including the said ward, shall have been revised, and the last revised voters' list for the said village of London West shall be the last revised voters' list for the said Ward No. 7, until a new voters' list for the whole of the said city, including the said Ward No. 7, shall have been revised according to law.

Three aldermen to be elected for new ward.

3. Immediately after the said day of 1893, there shall be elected for the said Ward No. 7, three aldermen.

Proceedings at nomination and election.

4. The proceedings for the nomination and election of the said three aldermen shall be the same as if three aldermen of the said Ward No. 7 had vacated their offices and a new election were being held to fill the vacancies so created.

Election of school trustees for new ward.

5. At the same times and places respectively as shall be fixed for the nomination and election of the said three aldermen, two public school trustees shall be elected for the said Ward No. 7, and the proceedings for their nomination and election shall be the same as if two trustees of the said Ward No. 7 had vacated their offices and a new election were being held to fill the vacancies so created.

Retirement of trustees in rotation.

6. One of the trustees so to be elected as aforesaid, who is to retire at the time appointed for the next annual school meeting, shall be determined by lot at the first meeting of the board of education of the said city of London, which shall be held after the election shall have been certified to the board, and the determination so made shall be entered in the minutes of the board.

Separate school trustees to be elected in new ward.

7. Immediately after the said day of 1893, there shall be elected for the said Ward No. 7, two Roman Catholic separate school trustees.

Nomination and election of separate school trustees.

8. The proceedings for the nomination and election of the said Roman Catholic separate school trustees shall be the same as if two such trustees of the said Ward No. 7 had vacated their offices and a new election were being held to fill the vacancies so created.

Retirement of separate school trustees in rotation.

9. One of the said last-mentioned trustees so to be elected as aforesaid, who is to retire at the time appointed for the next annual school election, shall be determined by lot at the first meeting of the trustees which shall be held after the election shall have been certified to the board, and the determination so made shall be entered in the minutes of the board.

City to maintain breakwater in new ward.

10. After the said annexation takes effect it shall be the duty of the corporation of the city of London to repair and maintain the existing breakwater along the river Thames in the said village of London West, in the same state of efficiency in which it now is but to no greater extent, but the said corporation shall not be responsible or liable for any damages which may be sustained by any person or which may be caused to property, real or personal, within the limits of the said Ward No. 7 by flooding or otherwise in consequence of the said breakwater being wholly or partly destroyed or damaged by the waters of the said river, or from any other cause arising from the raising of the waters of the said river.

11. It shall be the duty of the water commissioners for the city of London, whenever the revenue to be derived from so doing will ensure to them a return of 10 per centum per annum on the moneys required to be expended for that purpose, to extend their water service into the said Ward No. 7 to the extent to which an expenditure which will ensure such a return from such extensions may be adequate but no further, and when such extensions shall be made, it shall be the duty of the said commissioners, at the cost and charges of the corporation of the said city of London, to place sufficient hydrants along the line of the streets of the said ward in and along which such extensions shall be made for the purpose of fire protection, but the cost of any further extensions of mains for fire purposes and of any fire alarms which may be necessary to be erected shall be paid for by special rate upon the assessable property within the said Ward No. 7, provided always that no such special rate shall be levied unless a by-law authoring the expenditure shall have first been assented to by the ratepayers of the said Ward No. 7 in the same manner, as nearly as may be, as the assent of the ratepayers of the said municipality, according to the provisions of the municipal laws for the time being in force, is obtained to money by-laws.

Extension of waterworks into new ward.

12. All proceedings for or relating to the assessment and assessment roll of the said village of London West, which shall not have been completed when the said annexation takes place, shall be continued and completed thereafter by the proper officials in that behalf of the corporation of the village of London West then holding office, and such officers shall be deemed officers of the corporation of the city of London, until such duties shall be completed, and such assessment and assessment roll shall be deemed the assessment and assessment roll of the said Ward No. 7 for the year in which the said annexation takes place.

Assessment roll in new ward.

13. Immediately after the passing of this Act the municipal council of the corporation of the said village of London West shall pass to its second reading a by-law affirming the expediency of the annexation to the said city of London of the said village of London West, on the terms and conditions mentioned in this Act, and shall submit the said by-law to vote of the electors of the said village of London West qualified to vote at municipal elections, and the voters list to be used shall be that mentioned in section 128 of *The Consolidated Municipal Act, 1892.*

Council of London West to pass by-law for annexation.

14. The voting on the said by-law shall take place on the day of 1893, and the provisions of *The Consolidated Municipal Act, 1892*, as to voting on by-laws requiring the assent of the electors which are applicable, except those relating to the persons entitled to vote, the oaths to be taken (which shall be the same as at municipal elections),

Voting on by-law.

and the period and manner of publishing the by-law and the voters' list to be used, as to all which the provisions of this Act shall govern, shall apply to the voting on the said by-law.

Publication of by-law.

15. It shall be sufficient publication of the said by-law if a copy thereof with a notice of the time and place of the taking of the vote thereon be published in a public newspaper published in the said city of London, twice a week after the passing of the said by-law until the day fixed for taking the said vote.

Act to take effect if by-law assented to.

16. If the said by-law shall receive the assent of the majority of the municipal electors voting thereon as hereinbefore provided, sections 1 to both inclusive of this Act shall go into effect, and it shall be the duty of the said municipal council of the corporation of the village of London West, within ten days after the said vote shall have been taken, to finally pass the said by-law.

If by-law defeated, Act not to apply.

17. If the said by-law shall not receive the assent of the electors, the sections of this Act mentioned in the next preceding section shall not go into effect.

Irregularities in form not to invalidate by-law.

18. The said by-law, when and as finally passed as aforesaid, shall be valid and binding notwithstanding any want of substance or form either in the by-law itself or in the time and manner of passing the same.

Act to come in force when by-law finally passed.

19. If the said by-law shall not for any reason be finally passed before the day of next, the coming into force of the sections of this Act which are to come into force on that day shall take place on the day when the said by-law is finally passed.

Copy of by-law to be deposited in office of Provincial Secretary.

20. A copy of the said by-law with a certificate of the clerk of the said village of London West, that the said by-law was finally passed, and of the day of the final passing thereof, shall be deposited in the office of the Provincial Secretary, and the same when so deposited shall be deemed conclusive evidence that the conditions upon which the sections of this Act mentioned in section were to go into effect have been complied with, and it shall be the duty of the Provincial Secretary to give notice in the *Ontario Gazette* accordingly that the said sections came into force on the day of the passing of the said by-law.

Agreement between city of London and A. Harvey confirmed.

21. A certain conveyance bearing date the 14th day of December, 1892, made between the said the corporation of the city of London, of the first part, and Alexander Harvey of the said city of London, builder, of the second part, a true copy of which appears in Schedule "A" to this Act, and by-law number 687 of the said corporation, passed on the 5th day of September 1892, therein referred to, are, and each of them is

hereby declared to be valid and binding according to the terms thereof, and the said conveyance is hereby declared to have been and to be effectual to pass to the said Alexander Harvey, his heirs and assigns, that part of Great Talbot street in the said city of London, which is, by the said conveyance, granted to the said Alexander Harvey free and discharged from all rights of the public and otherwise therein and thereto, but under and subject to all the reservations, conditions and provisos therein contained and set forth.

Power to exempt McClary Manufacturing Company from taxation.

22. The municipal council of the corporation of the city of London may by by-law provide that, for the period of ten years from the first day of January, 1893, the real and personal property of the McClary Manufacturing Company, used and employed by the said company in the business which it now carries on or may hereafter carry on in the said city of London, shall not be assessed at a greater sum than $100,000 in any of the said years, and any by-law so passed shall not, during the said period of ten years, be repealed without the consent of the said company, and the said municipal council may also agree with the said company for a fixed rate, during the said period of ten years, for the supply by the water commissioners for the said city of London, of all the water required by the said company for the purposes of its business in the said city of London.

55 Vic. c. 42, s. 366, not to apply)

23. Section 366 of *The Consolidated Municipal Act, 1892*, shall not apply to any by-law passed under the provisions of the next preceding section of this Act.

48 Vic. c. 62 s. 5 amended.

24. Section 5 of the Act passed in the 48th year of Her Majesty's reign, chaptered 62, intituled *An Act to authorize the Corporation of the City of London to borrow certain moneys*, is amended by striking out the words "for the general purposes thereof," at the end of the said section, and substituting therefor the words "and shall be applied by him in part payment of the debenture debt of the said city of London."

Power to call in certain debentures, 54 V. c. 72.

25. The municipal council of the said city of London, may pass by-laws providing as to the debentures that may be issued under the authority of *The City of London Debt Consolidation Act, 1891*, or any of them, that the same or any of them may be called in and redeemed at any time after the expiration of twenty years from the 30th day of June, 1891, although such debentures shall not then, according to the terms thereof, have become payable; provided always that this section shall not apply to any debentures heretofore issued under the authority of the said Act, and that every debenture hereafter issued under the authority of this Act shall express on the face thereof that it is subject to be called in and redeemed before maturity under the provisions of this Act.

Limit of debentures which may be called in.

26. The said municipal council shall not call in and redeem before the maturity thereof, under the provisions of the next

preceding section, debentures to any greater amount than the sinking fund in hand for the time being under the provisions of the said recited Act, after providing for the payment of all debentures issued under the authority of the said Act which shall have become payable according to the terms thereof, is sufficient to pay.

Selection of debentures which may be paid off by ballot.

27. For the purpose of determining the debentures to be paid off under the provisions of section 25 of this Act, the said municipal council may yearly, and every year after the year 1911, select by lot the debentures so to be paid and retired as aforesaid in such year, and the method of balloting may be as follows:—As many separate pieces of paper as there are debentures issued under the authority of section 25 of this Act then outstanding, and not yet payable according to the terms thereof, shall be prepared, and the number and denomination of one of such debentures shall be written on each of such papers, and all of them shall then be folded and placed in a box and thence drawn one by one by the mayor in the presence of the treasurer of the said city, until he shall have drawn papers on which shall be printed the number of debentures whose amounts aggregate in the whole the amount of the principal money to be paid off in such year according to the provisions of section 25 of this Act, and of the by-law passed in pursuance thereof, and the debentures so drawn shall be the debentures which shall be paid off during such year, and notwithstanding that the same shall not, according to the terms thereof, be then payable, the same shall become payable on the first day of July of the year in which the drawing shall take place, and the holder of such debentures shall be bound to accept payment thereof as if the same had been made payable on such last-mentioned day.

Notice of debentures which are paid off.

28.—(1) The said municipal council shall cause to be inserted in the *Ontario Gazette* and in some newspaper published in the city, town or place where such debentures are payable, notice of the numbers and denominations of the debentures so drawn by ballot and that the principal money and interest thereof are payable and will be paid at the place mentioned in the said debentures upon the first day of July next after the publication of such notice, and the said corporation shall, upon presentation at such time and place of any of such debentures, pay off and discharge the said principal money and interest, and no interest shall accrue or become due upon any such debentures so drawn by ballot and advertised for payment as aforesaid, after the day so appointed for payment thereof.

(2). The notice provided for by this section shall be published as aforesaid at least three months before the day appointed for payment of the debentures so drawn by ballot as aforesaid.

By-law for calling in debentures to be passed not later than January.

29. The said municipal council shall, not later than the month of January of any year in which it is proposed to pay off any of the said debentures under the authority of section 25 of this Act, pass the by-law determining the amount of principal money of the debenture issue which is to be paid off during such year, and in case such by-law is not passed during the said month, the said corporation shall not be entitled to call in and pay off, under the provisions of section 25 of this Act, any of the said debentures during the said year.

Where balloting shall be held.

30. The said municipal council may also by such by-law, or other by-law passed not later than the month of January, provide that the ballot for the purpose of determining what debentures are to be paid off during such year shall take place in the city of London, in Great Britain, and be conducted by such person, and in such manner, and at such place, and generally in all respects as by any such by-law shall be declared, and the ballot so taken shall have the like force and effect in all respects as if the same had been conducted by the mayor in the presence of the treasurer as hereinbefore provided.

Amount of debentures which may be paid off.

31. In balloting under the provisions of the foregoing sections of this Act it shall not be necessary that debentures to the exact amount of the sum to be paid off according to the provisions of the by-law for the year in which the balloting takes place shall be drawn or chosen by lot as aforesaid, but the amount drawn may be either less or greater than the said sum by not more than $1,000, and the debentures representing the amount so actually drawn shall, notwithstanding anything to the contrary hereinbefore contained, be the debentures to be paid off in such year.

Power as to supplying electricity. Rev. Stat. c. 191.

32. The said corporation shall, in addition to the powers conferred by *The Municipal Light and Heat Act*, have power to produce, manufacture and use, and to supply to others to be used, electricity for motive power and for any other purpose to which the same can be applied, and shall, for and with respect to such powers and purposes have all and the same powers as are by the said Act conferred on municipal corporations with respect to electric light and heat, and shall also have power to acquire, by purchase, lease or otherwise, such water or other power, lands and right of way as may be necessary or expedient for the operation of the works for those purposes and every of them.

Issue of debentures for light works.

33. The said corporation may, for the purpose mentioned in the last preceding section of this Act and *The Municipal Light and Heat Act*, borrow any sum not exceeding $ and issue its debentures therefor, and such debentures may be made payable within thirty years from the issue thereof.

Assent of electors required, 55 Vic. c. 42.

34. Every by-law passed under the provisions of the next preceding section of this Act shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, as to by-laws requiring the assent of the ratepayers.

Power to purchase bonds of London and Port Stanley Railway company.

35. The said corporation may purchase from the corporation of the city of St. Thomas, and the said last-mentioned corporation may sell to the said corporation all the mortgage bonds or debentures of the London and Port Stanley Railway Company, held or owned by the said corporation of the city of St. Thomas, and all the stock or shares of the said company owned or held by the said last-mentioned corporation for such price, and on such terms and conditions as may be agreed on between the said two corporations.

Power to borrow money to pay for railway bonds.

36. The said, the corporation of the city of London may borrow any sum not exceeding $ which shall be required to pay for the said bonds or debentures and stock or shares, and may issue its debentures therefor, payable at any time within thirty years from the issue thereof.

By-law not to require assent of ratepayers, 55 Vic. c. 42.

37. It shall not be necessary that the by-law for borrowing the said moneys shall be submitted for or receive the assent of the ratepayers of the said city of London, under the provisions of *The Consolidated Municipal Act, 1892.*

SCHEDULE "A."

(*Section* 21.)

This indenture made (in duplicate) the fourteenth day of December, in the year of our Lord one thousand eight hundred and ninety-two, in pursuance of the Act respecting short forms of conveyances, of *The Consolidated Municipal Act, 1892*, and of By-law No. 687 of the corporation of the city of London, passed on the fifth day of September, A.D. 1892, between the corporation of the city of London, of the first part, and Alexander Harvey, of the said city of London, in the county of Middlesex, builder, of the second part. Whereas the corporation of the city of London have, by their By-law No. 687, passed on the fifth day of September, A.D. 1892, enacted that the westerly part of Great Talbot street, hereinafter mentioned, and hereby conveyed should be stopped up and forever closed and cease to be or form part of the highway Great Talbot street, or to be a highway, and that the part of Great Talbot street lying between Oxford street and Saint James street was thereby altered by so closing and stopping up the westerly part thereof hereinafter mentioned, and authorized the mayor of the said city on payment, within two months after the passing of the said by-law, of the sum

of fifty dollars by the said party of the second part (the person owning the adjacent land) to the said parties of the first part, to execute a deed of conveyance from the said parties of the first part to the said party of the second part, his heirs and assigns, in fee simple, of the lands and premises hereinafter described, but upon and subject to the condition that, unless the said Alexander Harvey, his heirs or assigns, shall, within five years from the passing of the said by-law, build on some part or parts of the said lands or the land adjacent thereto now owned by him, such sale and conveyance shall be void, and the said parties of the first part shall be at liberty to open and declare to be a highway, the said lands so conveyed without any compensation to the said Alexander Harvey, his heirs or assigns, therefor.

And whereas it is further provided by the said by-law that such conveyance shall also reserve to the said parties of the first part all such and the same rights in respect of maintaining the now existing open drain from Sydenham street across Great Talbot street, as now subsist in or over the said lands, and that the said conveyance shall also contain a covenant by the said Alexander Harvey, for himself, his heirs and assigns, not to erect any building upon any part of the said lands lying more than twenty-five feet easterly from the present west side of Great Talbot street.

And whereas the said party of the second part did, within two months after the passing of the said by-law, pay to the said parties of the first part, the said sum of fifty dollars, and has requested the said parties of the first part to execute this indenture for the purpose of conveying to him the said lands, as provided by the said by-law.

Now this indenture witnesseth that the said parties of the first part, in consideration of the premises and of the said sum of fifty dollars so paid to them as aforesaid (the receipt whereof is hereby acknowledged), and in pursuance of the said by-law, do grant unto the said party of the second part in fee simple.

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of London, in the county of Middlesex and Province of Ontario, being composed of all that westerly part of the original allowance for road constituting Great Talbot street lying between the north side of Oxford street and the south side of St. James street, and lying west of a line drawn parallel to the east side of Great Talbot street at the distance of ninety-nine feet westerly therefrom. Reserving, however, all such and the same rights in respect of maintaining the now existing open drain from Sydenham street across Great Talbot street, as at the passing of the said by-law subsisted in or over the said land hereby conveyed.

To have and to hold unto the said party of the second part, his heirs and assigns, to and for his and their sole and only use for ever; subject nevertheless to the reservations, limitations, provisoes and conditions contained in the said by-law, and to the said rights hereby reserved to the said parties of

the first part, their successors and assigns, in respect of maintaining the now existing open drain from Sydenham street across Great Talbot street.

Provided always and these presents are upon the express condition that if the said party of the second part, his heirs or assigns, shall not, within five years from the passing of the said by-law, build on some part or parts of the said lands, or the said lands of the said party of the second part adjacent thereto owned by him, in accordance with the provisions of the said by-law, then these presents shall be void and the council of the said corporation shall be at liberty to open and declare to be a highway, the said lands hereby granted without compensation to the said Alexander Harvey, his heirs or assigns, therefor, anything herein contained to the contrary thereof notwithstanding.

The said party of the second part, for himself, his heirs, executors, administrators and assigns, covenants, promises and agrees to and with the said parties of the first part, their successors and assigns, that the said party of the second part, his heirs, executors, administrators or assigns, shall not, nor will at any time or times hereafter erect any building on any part of the said lands lying more than twenty-five feet easterly from the former west side of Great Talbot street.

In witness whereof the corporate seal of the corporation of the city of London, and the hand of the mayor of the said city, and the hand and seal of the said party of the second part are hereto set.

Signed, sealed and delivered in the presence of (Sgd.) W. J. HARVEY.

(Sgd.) W. M. SPENCER, [Seal.] *Mayor.*

(Sgd.) ALEX. HARVEY. [Seal.]

County of Middlesex, To Wit. I, William John Harvey, of the city of London, in the county of Middlesex, law student, make oath and say:—

1. That I was personally present and did see the annexed instrument and duplicate thereof duly signed, sealed, and executed by Alexander Harvey, one of the parties thereto.

2. That the said instrument and duplicate were executed at the said city of London.

3. That I know the said party.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the city of London, in the County of Middlesex, this 15th day of December, in the year of our Lord, 1892. (Sgd.) W. J. HARVEY.

(Sgd.) JNO. MACPHERSON,
A Commissioner, etc.

No. 10.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the City of London.

First Reading, 1893.

(Private Bill.)

Mr. MEREDITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 10.] **BILL.** [1893.

An Act respecting the City of London.

WHEREAS the municipal council of the corporation of the city of London has, by its petition, prayed that the said council may be authorized to make special provisions as to the assesssment of the real and personal property of the McClary Manufacturing Company; and also that a certain conveyance by the said corporation to one Alexander Harvey, of part of Great Talbot street, may be confirmed and declared valid, and also that certain amendments may be made to certain special Acts affecting the said city of London; and that certain powers may be conferred on the said corporation with respect to electric power; and that the said corporation may be authorized to purchase certain bonds, debentures and stock of the London and Port Stanley Railway Company, and borrow money for the said purposes; and whereas it is expedient to grant the prayer of the said petitions; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The municipal council of the corporation of the city of London may by by-law provide that, for the period of ten years from the first day of January, 1893, the real and personal property of the McClary Manufacturing Company, used and employed by the said company in the business which it now carries on or may hereafter carry on in the said city of London, shall not be assessed at a greater sum than $100,000 in any of the said years, and any by-law so passed shall not, during the said period of ten years, be repealed without the consent of the said company, and the said municipal council may also agree with the said company for a fixed rate, during the said period of ten years, for the supply by the water commissioners for the said city of London, of all the water required by the said company for the purposes of its business in the said city of London. Power to exempt McClary Manufacturing Company from taxation.

2. Section 366 of *The Consolidated Municipal Act, 1892*, shall not apply to any by-law passed under the provisions of the next preceding section of this Act. 55 Vic. c. 42, s. 366, not to apply)

3. A certain conveyance bearing date the 14th day of December, 1892, made between the said the corporation of the city of London, of the first part, and Alexander Harvey of the said city of London, builder, of the second part, a true copy of which appears in Schedule "A" to this Act, and by-law number 687 of the said corporation, passed on the 5th day of Agreement between city of London and A. Harvey confirmed.

September 1892, therein referred to, are, and each of them is hereby declared to be valid and binding according to the terms thereof, and the said conveyance is hereby declared to have been and to be effectual to pass to the said Alexander Harvey, his heirs and assigns, that part of Great Talbot street in the said city of London, which is, by the said conveyance, granted to the said Alexander Harvey free and discharged from all rights of the public and otherwise therein and thereto, but under and subject to all the reservations, conditions and provisos therein contained and set forth.

48 Vic. c. 62 s. 5 amended.

4. Section 5 of the Act passed in the 48th year of Her Majesty's reign, chaptered 62, intituled *An Act to authorize the Corporation of the City of London to borrow certain moneys*, is amended by striking out the words "for the general purposes thereof," at the end of the said section, and substituting therefor the words "and shall be applied by him in part payment of the debenture debt of the said city of London."

Power to call in certain debentures. 54 V. c. 72.

5. The municipal council of the said city of London, may pass by-laws providing as to the debentures that may be issued under the authority of *The City of London Debt Consolidation Act, 1891*, or any of them, that the same or any of them may be called in and redeemed at any time after the expiration of twenty years from the 30th day of June, 1891, although such debentures shall not then, according to the terms thereof, have become payable; provided always that this section shall not apply to any debentures heretofore issued under the authority of the said Act, and that every debenture hereafter issued under the authority of this Act shall express on the face thereof that it is subject to be called in and redeemed before maturity under the provisions of this Act.

Limit of debentures which may be called in.

6. The said municipal council shall not call in and redeem before the maturity thereof, under the provisions of the next preceding section, debentures to any greater amount than the sinking fund in hand for the time being under the provisions of the said recited Act, after providing for the payment of all debentures issued under the authority of the said Act which shall have become payable according to the terms thereof, is sufficient to pay.

Selection of debentures which may be paid off by ballot.

7. For the purpose of determining the debentures to be paid off under the provisions of section 5 of this Act, the said municipal council may yearly, and every year after the year 1911, select by lot the debentures so to be paid and retired as aforesaid in such year, and the method of balloting may be as follows:—As many separate pieces of paper as there are debentures issued under the authority of section 5 of this Act then outstanding, and not yet payable according to the terms thereof, shall be prepared, and the number and denomination of one of such debentures shall be written on each of such

papers, and all of them shall then be folded and placed in a box and thence drawn one by one by the mayor in the presence of the treasurer of the said city, until he shall have drawn papers on which shall be printed the number of debentures whose amounts aggregate in the whole the amount of the principal money to be paid off in such year according to the provisions of section 5 of this Act, and of the by-law passed in pursuance thereof, and the debentures so drawn shall be the debentures which shall be paid off during such year, and notwithstanding that the same shall not, according to the terms thereof, be then payable, the same shall become payable on the *30th* day of *June* of the year in which the drawing shall take place, and the holder of such debentures shall be bound to accept payment thereof as if the same had been made payable on such last-mentioned day.

Notice of debentures which are paid off.

8.—(1) The said municipal council shall cause to be inserted in the *Ontario Gazette* and in some newspaper published in the city, town or place where such debentures are payable, notice of the numbers and denominations of the debentures so drawn by ballot and that the principal money and interest thereof are payable and will be paid at the place mentioned in the said debentures upon the *30th* day of *June* next after the publication of such notice, and the said corporation shall, upon presentation at such time and place of any of such debentures, pay off and discharge the said principal money and interest, and no interest shall accrue or become due upon any such debentures so drawn by ballot and advertised for payment as aforesaid, after the day so appointed for payment thereof.

(2). The notice provided for by this section shall be published as aforesaid at least three months before the day appointed for payment of the debentures so drawn by ballot as aforesaid.

By-law for calling in debentures to be passed not later than January.

9. The said municipal council shall, not later than the month of January of any year in which it is proposed to pay off any of the said debentures under the authority of section 5 of this Act, pass the by-law determining the amount of principal money of the debenture issue which is to be paid off during such year, and in case such by-law is not passed during the said month, the said corporation shall not be entitled to call in and pay off, under the provisions of section 5 of this Act, any of the said debentures during the said year.

Where balloting shall be held.

10. The said municipal council may also by such by-law, or other by law passed not later than the month of January, provide that the ballot for the purpose of determining what debentures are to be paid off during such year shall take place in the city of London, in Great Britain, and be conducted by such person, and in such manner, and at such place, and generally in all respects as by any such by-law shall be declared,

and the ballot so taken shall have the like force and effect in all respects as if the same had been conducted by the mayor in the presence of the treasurer as hereinbefore provided.

Amount of debentures which may be paid off.

11. In balloting under the provisions of the foregoing sections of this Act it shall not be necessary that debentures to the exact amount of the sum to be paid off according to the provisions of the by-law for the year in which the balloting takes place shall be drawn or chosen by lot as aforesaid, but the amount drawn may be either less or greater than the said sum by not more than $1,000, and the debentures representing the amount so actually drawn shall, notwithstanding anything to the contrary hereinbefore contained, be the debentures to be paid off in such year.

Power as to supplying electricity. Rev. Stat. c. 191.

12. The said corporation shall, in addition to the powers conferred by *The Municipal Light and Heat Act*, have power to produce, manufacture and use, and to supply to others to be used, electricity for motive power and for any other purpose to which the same can be applied, and shall, for and with respect to such powers and purposes have all and the same powers as are by the said Act conferred on municipal corporations with respect to electric light and heat, and shall also have power to acquire, by purchase, lease or otherwise, such water or other power, lands and right of way as may be necessary or expedient for the operation of the works for those purposes and every of them :☞Provided always that the provisions of this section shall not authorize the construction or operation of an electric street railway except under and subject to the provisions of sections 504 to 508 of *The Consolidated Municipal Act, 1892.*☜

Issue of debentures for light works.

13. The said corporation may, for the purpose mentioned in the last preceding section of this Act and *The Municipal Light and Heat Act*, borrow any sum not exceeding *$100,000.* and issue its debentures therefor, and such debentures may be made payable within thirty years from the issue thereof.

Assent of electors required, 55 Vic. c. 42.

14. Every by-law passed under the provisions of the next *two* preceding sections of this Act shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, as to by-laws requiring the assent of the ratepayers,☞and the powers conferred by section 12 of this Act shall not be exercised until the said by-law has received the assent of the ratepayers under the provisions of the said Act.☜

Power to purchase bonds of London and Port Stanley Railway company.

15. The said corporation may purchase from the corporation of the city of St. Thomas, and the said last-mentioned corporation may sell to the said corporation all the mortgage bonds or debentures of the London and Port Stanley Railway Company, held or owned by the said corporation of the city of St. Thomas, and all the stock or shares of the said company owned

or held by the said last-mentioned corporation for such price, and on such terms and conditions as may be agreed on between the said two corporations.

Power to borrow money to pay for railway bonds.

16. The said, the corporation of the city of London may borrow any sum not exceeding $*40,000*, which shall be required to pay for the said bonds or debentures and stock or shares, and may issue its debentures therefor, payable at any time within thirty years from the issue thereof.

By-law not to require assent of ratepayers, 55 Vic. c. 42.

17. It shall not be necessary that the by-law for borrowing the said *last mentioned* moneys shall be submitted for or receive the assent of the ratepayers of the said city of London, under the provisions of *The Consolidated Municipal Act, 1892.*

SCHEDULE "A."

(*Section* 21.)

This indenture made (in duplicate) the fourteenth day of December, in the year of our Lord one thousand eight hundred and ninety-two, in pursuance of the Act respecting short forms of conveyances, of *The Consolidated Municipal Act, 1892*, and of By-law No. 687 of the corporation of the city of London, passed on the fifth day of September, A.D. 1892, between the corporation of the city of London, of the first part, and Alexander Harvey, of the said city of London, in the county of Middlesex, builder, of the second part. Whereas the corporation of the city of London have, by their By-law No. 687, passed on the fifth day of September, A.D. 1892, enacted that the westerly part of Great Talbot street, hereinafter mentioned, and hereby conveyed should be stopped up and forever closed and cease to be or form part of the highway Great Talbot street, or to be a highway, and that the part of Great Talbot street lying between Oxford street and Saint James street was thereby altered by so closing and stopping up the westerly part thereof hereinafter mentioned, and authorized the mayor of the said city on payment, within two months after the passing of the said by-law, of the sum of fifty dollars by the said party of the second part (the person owning the adjacent land) to the said parties of the first part, to execute a deed of conveyance from the said parties of the first part to the said party of the second part, his heirs and assigns, in fee simple, of the lands and premises hereinafter described, but upon and subject to the condition that, unless the said Alexander Harvey, his heirs or assigns, shall, within five years from the passing of the said by-law, build on some part or parts of the said lands or the land adjacent thereto now owned by him, such sale and conveyance shall be

void, and the said parties of the first part shall be at liberty to open and declare to be a highway, the said lands so conveyed without any compensation to the said Alexander Harvey, his heirs or assigns, therefor.

And whereas it is further provided by the said by-law that such conveyance shall also reserve to the said parties of the first part all such and the same rights in respect of maintaining the now existing open drain from Sydenham street across Great Talbot street, as now subsist in or over the said lands, and that the said conveyance shall also contain a covenant by the said Alexander Harvey, for himself, his heirs and assigns, not to erect any building upon any part of the said lands lying more than twenty-five feet easterly from the present west side of Great Talbot street.

And whereas the said party of the second part did, within two months after the passing of the said by-law, pay to the said parties of the first part, the said sum of fifty dollars, and has requested the said parties of the first part to execute this indenture for the purpose of conveying to him the said lands, as provided by the said by-law.

Now this indenture witnesseth that the said parties of the first part, in consideration of the premises and of the said sum of fifty dollars so paid to them as aforesaid (the receipt whereof is hereby acknowledged), and in pursuance of the said by-law, do grant unto the said party of the second part in fee simple.

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of London, in the county of Middlesex and Province of Ontario, being composed of all that westerly part of the original allowance for road constituting Great Talbot street lying between the north side of Oxford street and the south side of St. James street, and lying west of a line drawn parallel to the east side of Great Talbot street at the distance of ninety-nine feet westerly therefrom. Reserving, however, all such and the same rights in respect of maintaining the now existing open drain from Sydenham street across Great Talbot street, as at the passing of the said by-law subsisted in or over the said land hereby conveyed.

To have and to hold unto the said party of the second part, his heirs and assigns, to and for his and their sole and only use for ever; subject nevertheless to the reservations, limitations, provisoes and conditions contained in the said by-law, and to the said rights hereby reserved to the said parties of the first part, their successors and assigns, in respect of maintaining the now existing open drain from Sydenham street across Great Talbot street.

Provided always and these presents are upon the express condition that if the said party of the second part, his heirs or assigns, shall not, within five years from the passing of the said by-law, build on some part or parts of the said lands, or the said lands of the said party of the second part adjacent thereto owned by him, in accordance with the provisions of the said by-law, then these presents shall be void and the council

of the said corporation shall be at liberty to open and declare to be a highway, the said lands hereby granted without compensation to the said Alexander Harvey, his heirs or assigns, therefor, anything herein contained to the contrary thereof notwithstanding.

The said party of the second part, for himself, his heirs, executors, administrators and assigns, covenants, promises and agrees to and with the said parties of the first part, their successors and assigns, that the said party of the second part, his heirs, executors, administrators or assigns, shall not, nor will at any time or times hereafter erect any building on any part of the said lands lying more than twenty-five feet easterly from the former west side of Great Talbot street.

In witness whereof the corporate seal of the corporation of the city of London, and the hand of the mayor of the said city, and the hand and seal of the said party of the second part are hereto set.

Signed, sealed and delivered in the presence of (Sgd.) W. J. HARVEY.

(Sgd.) W. M. SPENCER, [Seal.] *Mayor.*

(Sgd.) ALEX. HARVEY. [Seal.]

County of Middlesex, } To Wit. } I, William John Harvey, of the city of London, in the county of Middlesex, law student, make oath and say:—

1. That I was personally present and did see the annexed instrument and duplicate thereof duly signed, sealed, and executed by Alexander Harvey, one of the parties thereto.

2. That the said instrument and duplicate were executed at the said city of London.

3. That I know the said party.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the city of London, in the County of Middlesex, this 15th day of December, in the year of our Lord, 1892. (Sgd.) W. J. HARVEY.

(Sgd.) JNO. MACPHERSON,
A Commissioner, etc.

No. 10.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the City of London.

First Reading, 20th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. MEREDITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11] **BILL.** [1893.

An Act respecting certain Burying Grounds in the City of Kingston.

Preamble.

WHEREAS the burying grounds in the city of Kingston known as the English, Scotch and Roman Catholic burying grounds have long been disused as burying grounds, and interments therein have been prohibited by a by-law of the corporation of the said city, since the year 1864; and whereas The Roman Catholic Episcopal corporation of the Diocese of Kingston, in Canada, the Rector and Incumbent of St. George's church, Kingston, and the church-wardens of the said church, and the elders and trustees of St. Andrew's church, Kingston, in whom the said burying grounds are respectively vested, or who are entitled to the same as hereinafter set forth, with the authority required by law, have by their petition prayed that an Act may be passed, vesting the lands composing the said burying grounds in the corporation of the city of Kingston and their successors, forever, in trust for the purposes of a public square for the said city, subject to the conditions set out in the schedule "B," to this Act, and to section 2 of this Act; and whereas the said corporation have accepted the said trust and have also by their petition prayed that the said Act may be passed; and whereas the lands composing the said English burying ground were granted by the Crown to certain trustees by a patent, dated the 16th day of July, 1827, in trust as a burying ground for members of the Church of England, inhabitants of the town of Kingston, and as appurtenant to St. George's church, in the said town, and which said lands are, in virtue of the provisions of the said patent and of the Act of the Parliament of the late Province of Upper Canada, passed in the 3rd year of Her Majesty's reign and chaptered 74, now vested in the Rector and Incumbent of the said church and the possession vested in him and the church-wardens of the said church for the time being; and whereas the lands composing the said Scotch burying ground were set apart for that purpose by the Government of the said Province of Upper Canada and were recognized as such burying ground by the said government, by an order in council, dated the 22nd day of June 1825, and also were definitely established as such burying ground by the said Government by an order in council, dated the fifth day of November 1825, and a patent for the same was directed to be perfected therefor to the elders and trustees of St. Andrew's church aforesaid, by an order in council of the Government of Upper Canada, dated the 4th day of February 1841, but said

patent appears never to have been issued; and whereas the lands composing the said Roman Catholic burying ground were set apart for that purpose by the Government of the said Province of Upper Canada and were recognized as such burying ground by the said Government in an order in council, dated the twenty-second day of June, 1825, and were confirmed to the use of the Roman Catholic church, in Kingston, for said purpose, by an order in council of the said Government, dated the fifth day of November, 1825, but no patent therefor appears to have been issued; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of of Ontario enacts as follows:—

Burying grounds vested in corporation of the city of Kingston for a public square.

1. The said lands, comprising the said burying grounds respectively, and described in schedule A to this Act, are hereby vested in the corporation of the city of Kingston and their successors, forever, for the estate, right, title and interest therein or thereto, of the said petitioners and the churches and congregations they represent, in trust for the purposes of a public square for the said city upon and subject to the said conditions set forth in schedule B to this Act and to section two of this Act.

Conversion of lands to purposes of a square.

2. It shall be lawful for the said the corporation of the city of Kingston, and their successors to hold the said lands hereby vested in them in trust for the purposes of a public square for the said city as aforesaid and the said corporation and their successors are hereby authorized so to do, and it shall be the duty of the said corporation and their successors within one year from the passing of this Act to convert the said lands into a public square for the said city, in accordance with the said conditions contained in said schedule "B," and to the plan prepared therefor, mentioned in said schedule, and to maintain and keep the same forever as a public square in accordance with the said conditions and plan, and in case of default they may be compelled to do so by the said petitioners and their successors, or the said petitioners and their successors, in such case, shall, after having given to the said corporation three months notice in writing, requiring the said corporation to comply with the said conditions or such of them as to which such default has been made, and also with said plan, if the said corporation neglects to comply with such notice within the said time, have the right to have the said lands with the improvements reconveyed to them respectively, to have and to hold the same as in their former estates, but without the right to use the same as places of interment or burial grounds, and the said trust created by this Act shall thereupon become void and be at an end as to the said lands or as to such part or parts of the same, respecting which the said right to have the said lands reconveyed as aforesaid has been exercised.

SCHEDULE "A."

(Section 1.)

Description of the English Burying Ground.

(*a*) Commencing at the intersection of the northerly limit of Ordnance, formerly Cross street, with the easterly limit of Alma street, thence north 52° 30′, east along the easterly limit of Alma street 6 chains 41 links; thence south 37° 30′, east 3 chains, more or less, to the division line between the Protestant and Catholic burial grounds; thence south 52° 30′, west 5 chains 40 links, more or less, to the northerly limit of Ordnance street; thence north 59°, west along the northerly limit of Ordnance street 3 chains 25 links, more or less to the place of beginning.

The above described lands embraces parts of North street and Clergy street, as laid down on the original plan of the town of Kingston, also part of 433 and lots 434 and 435 north of Ordnance street on said plan beside a portion of Clergy lot C.

Description of the Scotch Burying Ground.

(*b*) Commencing at the intersection of the easterly limit of Alma street with the southerly limit of Balaclava street; thence south 52° 30′, west along the easterly limit of Alma street 1 chain 71 links, more or less, to the north-west angle of the land deeded to the Church of England; thence south 37° 30′, east along the northerly line of said land deeded to the Church of England and said line produced 5 chains 23 links, more or less, to a fence; thence northerly along said fence 1 chain, 59 links, more or less, to the southerly limit of Balaclava street; thence westerly along the southerly limit of Balaclava street 5 chains, more or less, to the place of beginning.

The above described land is composed of part of Clergy lot C and part of North street.

Description of the Roman Catholic Burying Ground.

(*c*) Commencing on the northerly limit of Ordnance, formerly Cross street, at the distance of 3 chains 25 links, measured easterly from Alma street; thence north 52° 30′, east 5 chains, 40 links to the north-east angle of the land deeded to the Church of England; thence south 37° 30′, east on the production of the northerly limit of the land deeded to the Church of England 2 chains 23 links, more or less, to a fence; thence southerly following the line of said fence 4 chains 47 links, more or less, to the northerly limit of Ordnance street; thence north 59°, west along the northerly limit of Ordnance street 3 chains 53 links, more or less, to the place of beginning.

The aboved described land embraces part of Clergy and North streets, all lots 425, 426, 431, and 432, as laid down on the original plan of the town of Kingston, also part of Clergy lot C,

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SCHEDULE "B."

(*Section 1.*)

Conditions Respecting Square Referred to in the Foregoing Act.

The fences along the streets to be taken down, the surface of the grounds to be levelled and made into a green sward.

The tombstones to be laid level with the surface of the grounds immediately over the graves which they mark and a plan to be made indicating the position of each known grave.

Gravel or cinder foot-paths to be made through the grounds but no driveways.

The grounds to be planted with trees, shrubs and flowers.

The grounds to be maintained in good order as a public square and the same as other like public squares.

Proper police protection to be provided by the police commissioners.

The plan prepared for such square by the city Engineer and shown to the parties interested to be followed in converting the said grounds into said square, provided that no walk shall be made over any grave.

No. 11.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain Burying Grounds in the City of Kingston.

First Reading, 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11] BILL. [1893.

An Act respecting certain Burying Grounds in the City of Kingston.

Preamble.

WHEREAS the burying grounds in the city of Kingston known as the English, Scotch and Roman Catholic burying grounds have long been disused as burying grounds, and interments therein have been prohibited by a by-law of the corporation of the said city, since the year 1864; and whereas The Roman Catholic Episcopal corporation of the Diocese of Kingston, in Canada, the Rector and Incumbent of St. George's church, Kingston, and the church-wardens of the said church, and the elders and trustees of St. Andrew's church, Kingston, in whom the said burying grounds are respectively vested, or who are entitled to the same as hereinafter set forth, with the authority required by law, have by their petition prayed that an Act may be passed, vesting the lands composing the said burying grounds in the corporation of the city of Kingston and their successors, forever, in trust for the purposes of a public square for the said city, subject to the conditions set out in the schedule "B," to this Act, and to section 2 of this Act; and whereas the said corporation have accepted the said trust and have also by their petition prayed that the said Act may be passed; and whereas the lands composing the said English burying ground were granted by the Crown to certain trustees by a patent, dated the 16th day of July, 1827, in trust as a burying ground for members of the Church of England, inhabitants of the town of Kingston, and as appurtenant to St. George's church, in the said town, and which said lands are, in virtue of the provisions of the said patent and of the Act of the Parliament of the late Province of Upper Canada, passed in the 3rd year of Her Majesty's reign and chaptered 74, now vested in the Rector and Incumbent of the said church and the possession vested in him and the church-wardens of the said church for the time being; and whereas the lands composing the said Scotch burying ground were set apart for that purpose by the Government of the said Province of Upper Canada and were recognized as such burying ground by the said government, by an order in council, dated the 22nd day of June 1825, and also were definitely established as such burying ground by the said Government by an order in council, dated the fifth day of November 1825, and a patent for the same was directed to be perfected therefor to the elders and trustees of St. Andrew's church aforesaid, by an order in council of the Government of Upper Canada, dated the 4th day of February 1841, but said

patent appears never to have been issued; and whereas the lands composing the said Roman Catholic burying ground were set apart for that purpose by the Government of the said Province of Upper Canada and were recognized as such burying ground by the said Government in an order in council, dated the twenty-second day of June, 1825, and were confirmed to the use of the Roman Catholic church, in Kingston, for said purpose, by an order in council of the said Government, dated the fifth day of November, 1825, but no patent therefor appears to have been issued; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of of Ontario enacts as follows:—

Burying grounds vested in corporation of the city of Kingston for a public square.

1. The said lands, comprising the said burying grounds respectively, and described in schedule A to this Act, are hereby vested in the corporation of the city of Kingston *in fee simple and for all* the estate, right, title and interest therein or thereto, of the said petitioners and the churches and congregations they represent, in trust for the purposes of a public square for the said city upon and subject to the said conditions set forth in schedule B to this Act and to section two of this Act.

Conversion of lands to purposes of a square.

2. It shall be lawful for the said the corporation of the city of Kingston, and their successors to hold the said lands hereby vested in them in trust for the purposes of a public square for the said city as aforesaid and the said corporation and their successors are hereby authorized so to do, and it shall be the duty of the said corporation and their successors within one year from the passing of this Act to convert the said lands into a public square for the said city, in accordance with the said conditions contained in said schedule "B," and to the plan prepared therefor, mentioned in said schedule, and to maintain and keep the same forever as a public square in accordance with the said conditions and plan, and in case of default they may be compelled to do so by the said petitioners and their successors, or the said petitioners and their successors, in such case, shall, after having given to the said corporation three months notice in writing, requiring the said corporation to comply with the said conditions or such of them as to which such default has been made, and also with said plan, if the said corporation neglects to comply with such notice within the said time, have the right to have the said lands with the improvements reconveyed to them respectively, to have and to hold the same as in their former estates, but without the right to use the same as places of interment or burial grounds, and the said trust created by this Act shall thereupon become void and be at an end as to the said lands or as to such part or parts of the same, respecting which the said right to have the said lands reconveyed as aforesaid has been exercised.

☞3. The conditions set forth in schedule B to this Act shall be binding and obligatory on the said corporation of the city of Kingston.

4. This Act shall be binding on Her Majesty, her heirs and successors. ☜

SCHEDULE "A."

(Section 1.)

Description of the English Burying Ground.

(*a*) Commencing at the intersection of the northerly limit of Ordnance, formerly Cross street, with the easterly limit of Alma street, thence north 52° 30′, east along the easterly limit of Alma street 6 chains 41 links; thence south 37° 30′, east 3 chains, more or less, to the division line between the Protestant and Catholic burial grounds; thence south 52° 30′, west 5 chains 40 links, more or less, to the northerly limit of Ordnance street; thence north 59°, west along the northerly limit of Ordnance street 3 chains 25 links, more or less to the place of beginning.

The above described lands embraces parts of North street and Clergy street, as laid down on the original plan of the town of Kingston, also part of 433 and lots 434 and 435 north of Ordnance street on said plan beside a portion of Clergy lot C.

Description of the Scotch Burying Ground.

(*b*) Commencing at the intersection of the easterly limit of Alma street with the southerly limit of Balaclava street; thence south 52° 30′, west along the easterly limit of Alma street 1 chain 71 links, more or less, to the north-west angle of the land deeded to the Church of England; thence south 37° 30′, east along the northerly line of said land deeded to the Church of England and said line produced 5 chains 23 links, more or less, to a fence; thence northerly along said fence 1 chain, 59 links, more or less, to the southerly limit of Balaclava street; thence westerly along the southerly limit of Balaclava street 5 chains, more or less, to the place of beginning.

The above described land is composed of part of Clergy lot C and part of North street.

Description of the Roman Catholic Burying Ground.

(*c*) Commencing on the northerly limit of Ordnance, formerly Cross street, at the distance of 3 chains 25 links, measured easterly from Alma street; thence north 52° 30′, east 5 chains,

40 links to the north-east angle of the land deeded to the Church of England; thence south 37° 30′, east on the production of the northerly limit of the land deeded to the Church of England 2 chains 23 links, more or less, to a fence; thence southerly following the line of said fence 4 chains 47 links, more or less, to the northerly limit of Ordnance street; thence north 59°, west along the northerly limit of Ordnance street 3 chains 53 links, more or less, to the place of beginning.

The aboved described land embraces part of Clergy and North streets, all lots 425, 426, 431, and 432, as laid down on the original plan of the town of Kingston, also part of Clergy lot C.

SCHEDULE "B."

(Section 1.)

Conditions Respecting Square Referred to in the Foregoing Act.

The fences along the streets to be taken down, the surface of the grounds to be levelled and made into a green sward.

The tombstones to be laid level with the surface of the grounds immediately over the graves which they mark and a plan to be made indicating the position of each known grave.

Gravel or cinder foot-paths to be made through the grounds but no driveways.

The grounds to be planted with trees, shrubs and flowers.

The grounds to be maintained in good order as a public square and the same as other like public squares.

Proper police protection to be provided by the police commissioners.

The plan prepared for such square by the city Engineer and shown to the parties interested to be followed in converting the said grounds into said square, provided that no walk shall be made over any grave.

☞ The bodies interred in the burying ground to be taken up and removed to another burying ground. In the case of the old Roman Catholic burying ground to the new burying ground belonging to that church, and in the cases of the English and Scotch burying grounds (if the authorities owning or controlling these latter burying grounds, in their corporate or official capacity, apply to have it done) to Catariqui cemetery, such application to be made within two weeks of the passing of the Act vesting the grounds in the city. The said removal to be done at the expense of the city and all applications of relatives or individuals are by the said city to be entertained. ☜

No. 11.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain Burying Grounds in the City of Kingston.

First Reading, 11th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 12.] BILL. [1893.

An Act to amend the Charter of McMaster University.

Preamble.

WHEREAS it has been represented by the petition of McMaster University that since the incorporation of the said University the Arts College has been established in Toronto, and that it has been found conducive to the interests of the University to have one university faculty in lieu of separate faculties in arts and theology, and further that since the incorporation of the said University the work of female education has been discontinued in Woodstock College, and that Moulton College has been established in Toronto as the academic department of said University so far as female education is concerned; and whereas the said University have prayed for the amendments of the said charter hereby made; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

50 V. c. 95, s. 11 repealed.

1. Section 11 of the Act passed in the 50th year of Her Majesty's reign, intituled *An Act to incorporate McMaster University*, is repealed and the following section substituted therefor.

Senate, how composed.

11. The senate of the said University shall be constituted as follows:—

(*a*) The members of the board of governors.

(*b*) Six representatives of the University Faculty to be elected by said Faculty annually.

(*c*) Five representatives of the graduates in theology to be elected by the Alumni Association of such graduates, each for a term of five years, retiring annually in rotation.

(*d*) Five representatives of the graduates in arts to be elected by the Alumni Association of such graduates in arts, each for the term of five years retiring annually in rotation.

Should the graduates hereafter organize a University Alumni Association, in lieu of separate associations, such University association shall thereafter elect such ten representatives, only graduates in theology being entitled to vote for representatives

of the theological graduates, and only graduates in arts being entitled to vote for representatives of the arts graduates.

(*e*) Two representatives of the teachers of Woodstock College to be elected by such teachers annually.

(*f*) Two representatives of the teachers of Moulton College to be elected by such teachers annually.

Additional representation for theological purposes.

In addition to the senate as above constituted for the general purposes of the University, the following shall be members of the senate, so far as the work thereof concerns the theological course, with the same powers and rights as other members of the senate as to matters pertaining to such theological course.

(*g*) Eight members to be elected by the Baptist Convention of the Maritime Provinces to serve for such term or terms as the said convention may decide.

(*h*) The president of Acadia University and two of the professors of said University to be elected by the faculty thereof annually.

(*i*) Two members to be elected by the Baptist Convention of Manitoba and the North-West Territories to serve for such term or terms as the said convention may decide.

No. 12.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Charter of McMaster University.

First Reading, 1893.

(Private Bill.)

Mr. DRYDEN.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 13.] BILL. [1893.

An Act respecting St. George's Church, Kingston.

Preamble.

WHEREAS Henry Baker, late of the town, now the city, of Kingston, died on the 1st day of November, 1846, seized of the land hereinafter described, and by his will, dated the 1st day of February, 1842, and a codicil thereto dated the 16th day of September, 1846, devised to the Honourable and Right Reverend John Strachan, Bishop of Toronto, and to the Venerable George O'Kill Stewart, rector of St. George's Church in the town of Kingston, and to their successors, being Bishop of the diocese and rector of St. George's Church according to the rites and ceremonies of the Church of England, town lots 294 and 95 in the said town of Kingston, forming the corner of Clarence and Bagot streets in said town, in trust to receive the rents and profits and apply them to the support and maintenance, and towards the payment of one or more assistant ministers of the said St. George's Church as the bishop of the diocese for the time being shall, by letters under his hand and seal, from time to time direct and appoint; and whereas the said lands have, since the death of the said testator, been held by the said trustees upon said trust, the Lord Bishop of the diocese of Ontario having been trustee in the place and stead of the Lord Bishop of the diocese of Toronto since the setting off of the said diocese of Ontario from the said diocese of Toronto; and whereas it is necessary, for the proper and economical management of the said trust and the said trustees have by their petition prayed that there shall be conferred upon the said trustees, for the purpose of said trust, the status and powers hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trust confirmed.

1. The Lord Bishop of the diocese of Ontario and the rector of St. George's Church in the city of Kingston for the time being shall be and continue to be the trustees for the management of the said trust, and the said trust property is hereby declared to be vested in the said Lord Bishop and rector as such trustees as aforesaid.

Property to vest in new trustees without further conveyance.

2. As often as the said trustees, or either of them, shall be changed by the appointment of a new bishop or rector, the said trust property shall, without any conveyance thereof, be vested in the new trustee together with the continuing trustee as joint tenants for the purposes of the said trust.

Power to sell.

3. The said trustees shall have the power, and they are hereby authorized to sell any portion of the said trust property, and to convey the same to the purchaser thereof freed and discharged from any of the trusts created by the said will

Power to purchase adjoining premises.

4. The said trustees shall have the power, and they are hereby authorized, to purchase any part of the land adjoining the said trust premises, should they deem it expedient so to do for the better management of the said trust.

Power to lease for 21 years.

5. The said trustees shall have the power, and they are hereby authorized, to lease any portion of the said trust premises for a time not exceeding twenty-one years, and to enter into covenants for a renewal of such lease, or for payments for the buildings which may be erected by any lessee upon the said premises, which covenants shall be binding upon their successors in the said trust.

Power to build on trust property.

6. The said trustees shall have the power, and they are hereby authorized, to erect any buildings or structures upon the said trust premises, and to enter into any necessary contracts for that purpose, and to raise money for that purpose or for the purpose of paying for buildings already erected, or for the purchase of adjoining land, or generally for any purpose connected with the improvement of the said trust property, by creating any mortgages or incumbrances upon the said trust property, containing such covenants and conditions as to the said trustees may seem just and reasonable, and the said trustees shall have the power to convey the said premises to any mortgagee for the purposes aforesaid.

Consent of vestry required to sell or mortgage.

7. The said trustees shall not sell or mortgage any portion of the said church property without the consent of the vestry of the said St. George's Church, called especially in accordance with the rules for the summoning of special vestry meetings to consider such sale or mortgage.

Investment of funds.

8. The said trustees shall from time to time invest any capital in their hands in the same class of securities as the Incorporated Synod of the diocese of Ontario is authorized to invest in.

Payment of expenses of Act.

9. The said trustees are hereby authorized and empowered to pay the expenses of and incidental to the application for this Act out of the said trust property, as part of the expenses of the said trust.

No. 13.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting St. George's Church, Kingston.

First Reading, , 1893

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 13.] **BILL.** [1893.

An Act respecting St. George's Church, Kingston.

Preamble. WHEREAS Henry Baker, late of the town, now the city, of Kingston, died on the 1st day of November, 1846, seized of the land hereinafter described, and by his will, dated the 1st day of February, 1842, and a codicil thereto dated the 16th day of September, 1846, devised to the Honourable and Right Reverend John Strachan, Bishop of Toronto, and to the Venerable George O'Kill Stewart, rector of St. George's Church in the town of Kingston, and to their successors, being Bishop of the diocese and rector of St. George's Church according to the rites and ceremonies of the Church of England, town lots 294 and 295 in the said town of Kingston, forming the corner of Clarence and Bagot streets in said town, in trust to receive the rents and profits and apply them to the support and maintenance, and towards the payment of one or more assistant ministers of the said St. George's Church as the bishop of the diocese for the time being *should* by letters under his hand and seal, from time to time direct and appoint; and whereas the said lands have, since the death of the said testator, been held by the said trustees upon said trust, the Bishop of the diocese of Ontario having been trustee in the place and stead of the Bishop of the diocese of Toronto since the setting off of the said diocese of Ontario from the said diocese of Toronto; and whereas it is necessary, for the proper and economical management of the said trust and the said trustees have by their petition prayed that there shall be conferred upon the said trustees, for the purpose of said trust, the status and powers hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trust confirmed. **1.** The Bishop of the diocese of Ontario and the rector of St. George's Church in the city of Kingston for the time being shall be and continue to be the trustees for the management of the said trust, and the said trust property is hereby declared to be vested in the said Bishop and rector as such trustees as aforesaid.

Property to vest in new trustees without further conveyance. **2.** As often as the said trustees, or either of them, shall be changed by the appointment of a new bishop or rector, the said trust property shall, without any conveyance thereof, be vested in the new trustee together with the continuing trustee as joint tenants for the purposes of the said trust.

Power to sell.

3. The said trustees with the consent of the vestry of the said St. George's Church, called especially in accordance with the rules for the summoning of special vestry meetings to consider such sale or mortgage, shall have the power, and they are hereby authorized to sell *the whole or* any portion of the said trust property, and to convey the same to the purchaser thereof freed and discharged from any of the trusts created by the said will.

Power to purchase adjoining premises.

4. *For the purposes created by the said trust* the said trustees shall have the power, and they are hereby authorized, to purchase any part of the land adjoining the said trust premises, should they deem it expedient so to do for the better management of the said trust.

Power to lease for 21 years.

5. The said trustees shall have the power, and they are hereby authorized, to lease any portion of the said trust premises for *such term as they may think fit*, and to enter into covenants for a renewal of such lease, or for payments for the buildings which may be erected by any lessee upon the said premises, which covenants shall be binding upon their successors in the said trust.

Power to build on trust property.

6. The said trustees shall have the power, and they are hereby authorized, to erect any buildings or structures upon the said trust premises, and to enter into any necessary contracts for that purpose, and to raise money for that purpose or for the purpose of paying for buildings already erected, or for the purchase of adjoining land, or generally for any purpose connected with the improvement of the said trust property, by creating any mortgages or incumbrances upon the said trust property, containing such covenants and conditions as to the said trustees may seem just and reasonable, and the said trustees shall have the power to convey the said premises to any mortgagee for the purposes aforesaid.

Investment of funds.

7. The said trustees shall from time to time invest any capital in their hands in the same class of securities as the Incorporated Synod of the diocese of Ontario is authorized to invest in.

Payment of expenses of Act.

8. The said trustees are hereby authorized and empowered to pay the expenses of and incidental to the application for this Act out of the said trust property, as part of the expenses of the said trust.

BILL.

An Act respecting St. George's Church, Kingston.

First Reading, 11th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 14.] BILL. 1893.]

An Act respecting the Standard Life Assurance Company.

Preamble.

WHEREAS the Standard Life Assurance Company, a company established in Scotland, and having its head office in the City of Edinburgh, Scotland, and recognized and empowered by divers Acts of the Imperial Parliament, and especially by the Standard Life Assurance Company's Act, 1883, of the said Parliament, has carried on the business of life insurance and all matters connected therewith, without being a corporate body; and whereas the said company has for many years past carried on and still carries on such business of life insurance in this Province; and whereas all the moneys belonging to and invested for the said company in this Province and all securities for or relating thereto have from time to time been acquired and taken and are invested in the names of trustees for the said Company, but for the use and benefit of the said company; and whereas it is expedient to afford to the said company facilities in recovering debts due to the said company, and in maintaining actions or other proceedings for damages done to their property, and also that persons having demands against the said company should be entitled to sue the said company by its name, "The Standard Life Assurance Company," hereafter in this Act called "the said company," and also that the said company should be empowered to invest a portion of its funds in mortgages on real and leasehold property, and other securities within the Province of Ontario, and in the purchase of real estate for the purposes of its business within the said Province; and whereas the said Company have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company empowered to sue and be sued in its corporate name.

1. In any actions, suits and proceedings which shall hereafter be commenced, instituted or carried on in this Province by or on behalf of the said company, or wherein the said company is or shall be in any way concerned, either alone or jointly with others, whether against a member or proprietor of the said company or against any other persons or persons, body or bodies politic or corporate, it shall not be necessary to name all or any of the members or proprietors of the said company, but all such actions, suits or proceedings may and shall be

commenced, instituted and carried on in the name of the said company in the same manner as if the said company had been incorporated by such name, and all actions, suits and proceedings at law, which shall hereafter be commenced, instituted or carried on against the said company, either alone or jointly with others, whether by any member or proprietor of the said company, or any other person may and shall be commenced, instituted and carried on against the said company by its said name in the same manner as if the said company had been incorporated.

Effect of judgments served.

2. Every judgment and other judicial order which shall at any time after the passing of this Act be obtained against the said company, shall have the like effect and operation upon and against the property and funds of the said company as if all the proprietors of the said company were parties before the court in such action, suit or proceeding.

Instruments executed in name of Company confirmed.

3. All obligations for the payment of money, contracts and other securities, which have been or may at any time hereafter be taken or executed in the name of the said company, or in the names of any other persons as trustees of the said company or by any director or officer of the said company or by any other person for or on behalf of the said company by its name of the Standard Life Assurance Company, shall be good and valid to all intents and purposes and shall and may be put in suit and be sued upon in the name of the said company without naming all or any of the proprietors or members thereof, as if the said company had been incorporated by such name.

Moneys and securities to be held in trust for Company.

4. The trust moneys, securities and any moveable property of the said company which now belong to the said company in this Province, and which had been acquired or taken in the name of the present or any former trustees, directors or officer of the said company, or which may hereafter belong or be acquired or obtained within this Province, by trustees or others on behalf of the said company, shall be held by the said trustees or other persons in trust for the said company by force of this Act, and by virtue of their appointment.

Power to acquire and dispose of property.

5. The said company, or the said trustees thereof, may acquire absolutely, property by foreclosure, or other proceedings in the realization of or for the protection of its investments, and may hold freehold and leasehold property so acquired in the said Province of Ontario, and may sell, lease, mortgage or otherwise dispose of such freehold and leasehold property, provided that the said company shall sell and dispose of lands on the security of which the said company may have made advances, and to which it may acquire title by such foreclosure or other proceedings aforesaid, or by the release of the equity of redemption thereunder within seven years from the

date of such foreclosure or release; the said company or its trustees may also acquire for the purpose of, or in connection with its business of life insurance, real and leasehold property in the Province of Ontario, the annual value whereof exclusive of any buildings which it may erect thereon, shall not without the consent of the Lieutenant Governor in Council, exceed $25,000, and may hold the property so acquired by it.

Company not to be deemed incorporated.

6. Nothing in this Act contained shall extend or be deemed, construed or taken to incorporate the said company, or to relieve or discharge the said company or any of the proprietors thereof or subscribers thereof, from any responsibility, duties, contracts or obligations whatsoever, which by law they now are or at any time hereafter may be subject or liable to, either between the said company and others or between the individual proprietors of the said company, or any of them, and others, or amongst themselves or in any manner whatsoever.

Powers of attorney, how proved for registration purposes.

7. A notarial copy, certified by a notary of the Province of Quebec, the original whereof is deposited with him, of any power of attorney given by trustees for the company for the purpose of receiving payment of any moneys secured by mortgage to such trustees and of executing releases or discharges of such mortgages, or for the purpose of assigning such mortgages may be registered in the registry office of any county or city or division thereof in this Province without further proof other than what purports to be the seal and signature of such Notary.

No. 14.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Standard Life Assurance Company.

First Reading, 1893.

(Private Bill.)

Mr. MEREDITH.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 14.] **BILL.** 1893.]

An Act respecting the Standard Life Assurance Company.

Preamble.

WHEREAS the Standard Life Assurance Company, a company established in Scotland, and having its head office in the City of Edinburgh, Scotland, and recognized and empowered by divers Acts of the Imperial Parliament, has carried on the business of life insurance and all matters connected therewith, without being a corporate body; and whereas the said company has for many years past carried on and still carries on such business of life insurance in this Province; and whereas all the moneys belonging to and invested for the said company in this Province and all securities for or relating thereto have from time to time been acquired and taken and are invested in the names of trustees for the said Company, but for the use and benefit of the said company; and whereas it is expedient to afford to the said company facilities in recovering debts due to the said company, and in maintaining actions or other proceedings for damages done to their property, and also that persons having demands against the said company should be entitled to sue the said company by its name, "The Standard Life Assurance Company," hereafter in this Act called "the said company," and also that the said company should be empowered to invest a portion of its funds in mortgages on real and leasehold property, and other securities within the Province of Ontario, and in the purchase of real estate for the purposes of its business within the said Province; and whereas the said Company have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company empowered to sue and be sued in its corporate name.

1. In any actions, suits and proceedings which shall hereafter be commenced, instituted or carried on in this Province by or on behalf of the said company, or wherein the said company is or shall be in any way concerned, either alone or jointly with others, whether against a member or proprietor of the said company or against any other person or persons, body or bodies politic or corporate, it shall not be necessary to name all or any of the members or proprietors of the said company, but all such actions, suits or proceedings may and shall be commenced, instituted and carried on in the name of the said company in the same manner as if the said company had been

incorporated by such name, and all actions, suits and proceedings at law, which shall hereafter be commenced, instituted or carried on against the said company, either alone or jointly with others, whether by any member or proprietor of the said company, or any other person may and shall be commenced, instituted and carried on against the said company by its said name in the same manner as if the said company had been incorporated.

Effect of judgments served.

2. Every judgment and other judicial order which shall at any time after the passing of this Act be obtained against the said company, shall have the like effect and operation upon and against the property and funds of the said company as if all the proprietors of the said company were parties before the court in such action, suit or proceeding.

Instruments executed in name of Company confirmed.

3. All obligations for the payment of money, contracts and other securities, which have been or may at any time hereafter be taken or executed in the name of the said company, or in the names of any other persons as trustees of the said company or by any director or officer of the said company or by any other person for or on behalf of the said company by its name of the Standard Life Assurance Company, shall be good and valid to all intents and purposes and shall and may be put in suit and be sued upon in the name of the said company without naming all or any of the proprietors or members thereof, as if the said company had been incorporated by such name.

Moneys and securities to be held in trust for Company.

4. The trust moneys, securities and any moveable property of the said company which now belong to the said company in this Province, and which had been acquired or taken in the name of the present or any former trustees, directors or officer of the said company, or which may hereafter belong or be acquired or obtained within this Province, by trustees or others on behalf of the said company, shall be held by the said trustees or other persons in trust for the said company by force of this Act, and by virtue of their appointment.

Power to acquire and dispose of property.

5. The said company, or the said trustees thereof, may acquire absolutely, property by foreclosure, or other proceedings in the realization of or for the protection of its investments, and may hold freehold and leasehold property so acquired in the said Province of Ontario, and may sell, lease, mortgage or otherwise dispose of such freehold and leasehold property, provided that the said company shall sell and dispose of lands on the security of which the said company may have made advances, and to which it may acquire title by such foreclosure or other proceedings aforesaid, or by the release of the equity of redemption thereunder within seven years from the date of such foreclosure or release; the said company or its trustees may also acquire for the purpose of, or in connection

with its business of life insurance, real and leasehold property in the Province of Ontario, the annual value whereof exclusive of any buildings which it may erect thereon, shall not without the consent of the Lieutenant Governor in Council, exceed $25,000, and may hold the property so acquired by it.

Company not to be deemed incorporated.

6. Nothing in this Act contained shall extend or be deemed, construed or taken to incorporate the said company, or to relieve or discharge the said company or any of the proprietors thereof or subscribers thereof, from any responsibility, duties, contracts or obligations whatsoever, which by law they now are or at any time hereafter may be subject or liable to, either between the said company and others or between the individual proprietors of the said company, or any of them, and others, or amongst themselves or in any manner whatsoever.

Powers of attorney, how proved for registration purposes.

7. A notarial copy, certified by a notary of the Province of Quebec, the original whereof is deposited with him, of any power of attorney given by trustees for the company for the purpose of receiving payment of any moneys secured by mortgage to such trustees and of executing releases or discharges of such mortgages, or for the purpose of assigning such mortgages may be registered in the registry office of any county or city or division thereof in this Province without further proof other than what purports to be the seal and signature of such Notary.

No. 14.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Standard Life Assurance Company.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. MEREDITH.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 15.] **BILL.** [1893.

An Act to enable the Incorporated Synod of the Diocese of Ontario to mortgage certain lands in the town of Trenton.

Preamble.

WHEREAS by an Act passed in the 38th year of Her Majesty's reign, chaptered 80, intituled "An Act to vest certain lands in the village of Trenton, in the Incorporated Synod of the Diocese of Ontario" certain lands therein mentioned were vested in the Incorporated Synod of the Diocese of Ontario to whom power was given by the said Act to sell the same; and whereas the parishioners of the parish of Trenton for the benefit of which the said lands are held by said Synod are desirous of raising funds by mortgaging the said land or a part thereof to pay for repairs and improvements to the parish church of St. George, the rectory house and other church property in said parish and have requested the said synod to apply for power to mortgage the said lands to raise money to provide for such payment and the said synod deeming it just and reasonable that their request should be granted has by its petition prayed that an Act may be passed to enable it to mortgage said lands or a part thereof for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Power to mortgage.

1. The said Incorporated Synod of the Diocese of Ontario shall with the consent of the vestry of the said church and of the incumbent and church-wardens thereof for the time being have power and authority to mortgage the said lands or any part thereof for the purpose of raising a sum sufficient to pay the expense of the repairs and improvements to the said church, rectory house and other church property, upon such terms and conditions as may be approved of by the said vestry, incumbent and church-wardens of the said church, and the chancellor of the said Diocese of Ontario and the said synod is authorized to execute all necessary conveyances of the said lands or any part thereof for that purpose.

Consent of rector, church-wardens and vestry, how proved.

2. The execution of such mortgage by the incumbent and church-wardens of the said church for the time being and the endorsement thereon by the chairman of vestry of the consent

of such vestry shall be sufficient evidence of the consent of the said incumbent and church-wardens and vestry to such mortgage.

Powers of Syncd.

3. The said Incorporated Synod of the Diocese of Ontario shall in respect of the said lands have all the powers to mortgage conferred upon trustees by the 8th section of the *Act respecting the property of Religious Institutions,* subject to the conditions and limitations contained in the 26th section of the said Act so far as the same are applicable.

Rev. Stat., c. 237.

No. 15.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Incorporated Synod of the Diocese of Ontario to mortgage certain land in the town of Trenton.

First Reading 1893.

(Private Bill.)

Mr. BIGGAR.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 16.] **BILL.** [1893.

An Act to incorporate Grace Hospital (Homœopathic).

Preamble.

WHEREAS the Toronto Homœopathic Hospital and Free Dispensary Association carrying on its work in the City of Toronto, is an institution incorporated under the provisions of the "*Act respecting Benevolent, Provident and other Societies;*" and whereas the said corporation has represented by petition that its operations have been greatly increased since its foundation, that voluntary contributions, bequests and legacies from those interested in the welfare of the institution are the principal means of raising the large amount of money necessary for the maintenance of the Hospital and Dispensary in the City of Toronto, and that by reason of the increase in magnitude and importance of the work of the said charity, it is desirable to obtain a special Act of incorporation providing for the more efficient management of the affairs of the said institution and enlarging its powers of taking gifts, devises and bequests made for the benefit of the said institution; and whereas the present corporators, Joseph Easton McDougall, John Gordon Brown, Clarkson Jones, Frank Arnoldi, Thomas McCraken, Frederick John Stewart, James Henderson, John Drysdale Nasmith, Frederic Roper, John M. Burnside, Elizabeth Maria Baldwin, Marianne Henderson, Marian Torrance Gibson, Georgina Martha Hoyles, Zippie Simpson Jones, Caroline Brown, Sarah Minerva Macdonald, Henrietta Walsh, Mary Vandersmissen, Appa Grant Tyrrell, and Kathleen O'Brien have by their petition set forth the facts aforesaid and have prayed for a special Act of Incorporation vesting the assets, affairs and management of the said corporation in the hands of five trustees and their successors, and have named Joseph Easton McDougall, of Toronto, county judge, Frederic Roper, of Toronto, accountant, William Barclay McMurrich, of Toronto, barrister, John D. Nasmith, of Toronto, manufacturer, and Edward Gurney, of Toronto, manufacturer, as the first board of trustees; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the said Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Joseph Easton McDougall, Frederic Roper William Barclay McMurrich, John Drysdale Nasmith and Edward Gurney and their successors are hereby constituted and

declared a body corporate and politic by the name of "Grace Hospital (Homœopathic)," and by that name shall have perpetual succession and a common seal, and by that name shall sue and be sued and shall have all the powers, rights and authorities in addition to those hereinafter given, now vested in the Toronto Homœopathic Hospital and Free Dispensary Association as heretofore incorporated under the Act aforesaid.

Assets vested in new corporation.

2. All the assets of every kind now vested in or owned or held by the Toronto Homœopathic Hospital and Free Dispensary Association as heretofore incorporated under a certain declaration made in pursuance of the provisions of section 2, of an *Act respecting Benevolent, Provident and other Societies* are hereby vested in and transferred to the said corporation hereby constituted, with full power subject always to the terms of any gift, devise or bequest affecting the same to hold, sell, mortgage and manage the same, and all property hereafter acquired by the corporation hereby constituted, and the corporation hereby constituted shall be entitled to take, hold and receive all gifts, devises and bequests heretofore lawfully made and not yet paid over to the Toronto Homœopathic Hospital and Free Dispensary Association as heretofore incorporated.

Rev. Stat., c. 172.

New corporation to asume liabilities.

3. The corporation hereby consituted shall assume and be liable for all the debts, obligations and liabilities of the Toronto Homœopathic Hospital and Free Dispensary Association as heretofore constituted.

Trustees.

4. The corporation hereinbefore named and their successors shall have the management of the affairs of the said corporation and shall appoint all officers for conducting its affairs and shall regulate the discipline and management, make such regulations for the government of the said hospital as shall to them seem meet and expedient, and make by-laws, rules and regulations for the effective government and management of the affairs of the said corporation.

Filling vacancies among trustees.

5. In case of the death or resignation of any of the said Trustees the vacancy so caused shall be filled up at the regular meeting by a majority of the remaining trustees, the name of the proposed trustee or trustees being sent to each trustee at least one week prior to the meeting at which such new trustee or trustees is or are to be appointed.

Power to receive bequests gifts of land, etc.

6. The corporation hereby constituted is authorized and empowered to take all gifts, legacies and bequests of money or personalty, and to acquire, hold and possess so much land as may from time to time be necessary for the actual use and occupation of the said corporation whether the same be acquired by gift , devise or bequest or by purchase, and the said corporation in addition to such lands as may be required for

its actual use and occupation as aforesaid is hereby authorized and empowered to take by gift, devise or bequest, lands, tenements or hereditaments and interests therein, the annual value of which together with all other lands, tenements and hereditaments or any interests therein theretofore acquired by like means and then held by the corporation shall not exceed in the whole the annual value of $20,000, but such last mentioned lands, tenements or hereditaments or interests therein shall not be held for a longer period than 7 years from the acquisition thereof, and within that period shall be absolutely disposed of by the said corporation, and such lands, tenements or hereditaments or interests therein as have not within the said period been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators and assigns; and the proceeds of the sales or all or any part of the moneys derived therefrom or from any other source may be invested from time to time in mortgage securities upon real estate whether freehold or leasehold, and also in municipal debentures or the debentures of any society or company in which any trustee under section 30 of the *Act respecting Trustees and Executors and the Administration of Estates*, and under any Act or Acts amending the same may invest any trust fund.

Rev. Stat., c. 110.

No. 16.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to incorporate Grace Hospital (Homœopathic).

First Reading, , 1893.

(Private Bill).

Mr. CLARKE.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 17.] BILL. [1893.

An Act to incorporate The Woodmen of the World.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed to be incorporated for the purposes hereinafter mentioned under the name "The Woodmen of the World"; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation.

1. William Fuller, of the township of London; Charles C. Hodgins, of the township of Biddulph; Thomas Henry Luscombe, of the city of London; William Charles Fitzgerald of the said city of London; W. S. Harrison, M.D., of the city of Brantford; R. H. Blackmore, of the city of St. Thomas; C. F. Heift, of the township of Southwold; S. S. Fulton, of the said township of Southwold; Malcolm McGugan, of the township of Caradoc; J. Ferguson, of the town of Strathroy; J. E. Hill, of the said city of St. Thomas; A. B. Telfer, of the town of Sarnia; and H. C. Crocker, of the village of Fingal, together with such other persons as are now or shall hereafter become members in Canada of the said Order, shall be and are hereby constituted a body corporate under the name of "The Woodmen of the World" (hereinafter called the Order.)

Objects.

2. The objects of the Order and the purposes it is incorporated and authorized to carry out are (*a*) to unite its members in social and fraternal bonds; (*b*) to collect and distribute charitable donations; (*c*) to make with its own members contracts for insurance in sums not exceeding $3,000, payable on or before the death of the assured; (*d*) to erect a monument over the grave of each deceased member; and (*e*) to secure for its members such other advantages as may be from time to time designated by the constitution and by-laws of the Order.

Head office.

3. The head office of the Order shall be at the said city of London.

Government of order.

4. The said Order shall be governed by a representative body to be known as the Head Camp of the Woodmen of the World in Canada, which Head Camp shall be composed of the members of the Order named in the first section of this Act together with representatives from each subordinate camp under the jurisdiction of the said Head Camp, the appointment and powers of such representatives to be provided for in the by-laws of the said Order.

Power to make by-laws.

5. The said Head Camp shall and is hereby empowered to prepare and adopt by-laws for the government and regulation of the Order and shall cause a duly certified copy of such by-laws to be filed in the office of the Inspector of Insurance.

Payment of death claims by Sovereign Camp.

6. Until the Head Camp in Canada of the said Order shall otherwise determine the said Order shall be at liberty to arrange with the corporation known as the Sovereign Camp of the Woodmen of the World for the payment by the said Sovereign Camp of mortuary and other benefits in Canada and to this end may remit to the said Sovereign Camp the assessment received from members of the Order in Canada, provided the said Sovereign Camp shall agree to meet (while such remittances shall continue to be made) all mortuary and other benefits due to the members of the Order in Canada.

Emergency fund.

7. The Order shall by its by-laws provide for the accumulation of an emergency fund which shall not be less than the proceeds of one mortuary assessment on all policy and certificate holders thereof.

Reserve fund may be raised.

8. Should the members of the Order at any time deem it expedient and in the interest of the Order to obtain by subscription a reserve fund or guaranty to an amount not exceeding one hundred thousand dollars they may do so by passing by-laws in Head Camp for that purpose.

Formation of subordinate camps.

Rev. Stat. c. 172, s. 7.

9. Subject to the provisions contained in the by-laws of the Order the subordinate camps of the Order whether for male or female members may become bodies corporate in the manner provided in the 7th section of the *Act respecting Benevolent, Provident and other Societies*, except that the consent of the executive committee of the said Head Camp shall be sufficient instead of the consent of the general meeting mentioned in the said section.

Certificate and conditions of membership.

10. Every person who is admitted a member of the Order shall receive a policy or certificate of membership on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership, and so long as such conditions are complied with he shall remain a member of the Order and shall enjoy all the benefits and privileges of membership.

Annual General meeting.

11. A meeting of the representatives of the Order in Head Camp shall be held annually at such place as the Head Camp may from time to time determine, at which meeting a statement of the affairs of the Order shall be submitted.

License and inspection under 55 Vic. c. 39.

12. The said Order shall be entitled to a license and be subject to inspection under *The Insurance Corporations Act, 1892.*

No. 17.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate The Woodmen of the World.

First Reading, 1893.

(Private Bill.)

Mr.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 18.] **BILL.** [1893.

An Act to Consolidate the Debt of the City of St Catharines.

Preamble.

WHEREAS the municipal council of the corporation of the City of St. Catharines, have by their petition represented that it has incurred debts and liabilities for the purpose of paying off the municipal loan fund indebtedness, to provide market grounds, city buildings and a park, also for drainage purposes, and a system of water-works, and extension thereof, to aid the St. Catharines and Niagara Central Railway, for old consolidated indebtedness, and for other purposes, for which debentures have from time to time been issued, and are now outstanding to the extent of $705,729.42, and that in addition to the above there is a floating debt of $25,000, and debentures have also been authorized and partly issued, but not sold, for the sum of $20,000 for drainage works, and $39,813.88, in aid of the St. Catharines and Niagara Central Railway, all which debentures now bear interest at rates varying from 4 to 6 per cent. per annum, and mature and are payable at different periods prior to the year 1819, the particluars whereof are set forth in Schedule "C" to this Act; and whereas it is expedient that the said corporation shall be enabled to consolidate its said indebtedness, and to effect a loan to pay off the same, at lower rates of interest than apply to the existing debt; and whereas it has been made to appear that of the said existing debenture debt $304,946.56 has been expended in the construction and extension of the said water-works system, which is a revenue paying investment; and whereas it is desirable to issue the debentures authorized to be issued under this Act, at dates extending over forty years, and that the said corporation should have authority to substitute an equivalent value of the new consolidated debentures to be issued under this Act, for the debentures now issued, or authorized so to be, but not yet sold, and to limit the borrowing powers of the said corporation, and to provide that in determining the said limit, the amount of the debt incurred for water-works purposes shall not be counted as part of the general debt of the said corporation, and the said municipal council has by its petition prayed for the passing of an Act for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated at $790,060.

1. The said debt of the said City of St. Catharines is consolidated at the sum of $790,000 (which amount includes

the sum of $304,946.56 expended for water-works purposes, and is subject to the provisions contained in sections 16 and 17 of this Act), and it shall be lawful for the corporation of the said City of St. Catharines, to raise by way of loan, on the credit of the debentures hereinafter mentioned and by this Act authorised to be issued, from any person or persons, or body corporate, a sum sufficient to pay off the said indebtedness, and the said corporation may, after the redemption of the original debentures, repeal the by-laws under which they were issued, so far as regard the levying of rates imposed thereby, for the redemption of the said original debentures and the payment of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the City of St. Catharines from time to time within the period hereinafter mentioned, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, in such sums of not less than $100 and not exceeding $790,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable at such place or places as the said corporation may deem expedient, and may be expressed in sterling money of Great Britain or currency of Canada.

Application of proceeds.

3. The proceeds of the sale of said debentures shall be applied for the purpose of the redemption and payment of the debentures and floating indebtedness mentioned or referred to in the preamble of this Act, and the said corporation may make such arrangements with the holders of said debentures or any of them, for paying off the same at maturity, or in advance of the respective times fixed for payment thereof, on such terms and conditions as may be agreed on.

Substitution of debentures issued under Act for outstanding debentures.

4. The said corporation may also buy in the said outstanding debentures, or may agree with the holders of them, or any of them, whether the time fixed for payment of them shall have arrived or not, for the substitution for them, or any of them, of debentures to be issued under the authority of this Act, at such price and on such terms and conditions as may be deemed expedient.

Payment of expenses of redeeming existing debentures.

5. All charges and expenses of and incidental to the payment or redemption of the debentures mentioned in the preamble to this Act, may be paid out of the proceeds of the said loan.

Designation and terms of payment of debentures.

6. The said debentures so to be issued may be styled "City of St. Catharines General Consolidated Loan Debentures" and may be issued from time to time as occasion may require, and

in such amounts as may be found expedient to secure advantageous sales, and moneys arising from the sale thereof or the debentures themselves may be substituted for an equivalent value of the debentures already authorized but not yet issued, or if issued, not yet sold, as in the said preamble mentioned; but nothing herein contained shall be construed as giving any authority to pay off or redeem outstanding debentures before maturity, without the consent of the holders thereof.

Term of debentures.

7. The said debentures shall be made payable within forty years from the first day of July next.

Payment of interest.

8. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four per cent. per annum, as to the said corporation may seem meet, and the interest may be made payable yearly, or half yearly.

Investment of sinking fund.

9. The treasurer of the said corporation by and with the consent and approbation of the said municipal council, from time to time, shall have power to invest all moneys standing at the credit of the sinking fund, created under this Act, in the redemption of the said outstanding debentures or in the debentures issued under the authority of this Act, or in government securities or municipal debentures, or he may deposit the same in any chartered bank of the Dominion of Canada of which the said council may, from time to time, approve, and all dividends and interest received on such investments, shall be applied to the extinction of the loan authorized to be raised under this Act.

Form of debentures and by-laws.

10. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Rate for payment of debt and interest.

11. For the payment of the debt and interest represented by said debentures to be issued under the authority of this Act, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, the said sum to be raised by an annual special rate upon the amount of the then ratable or assessable property of the said corporation appearing by the last revised assessment roll thereof.

Provisions respecting assent of electors to by-laws.

12. The by-law or by-laws of the said corporation passed under the authority of this Act for the issue or issues of the said "City of St. Catharines General Consolidated Loan Debentures," or for the redemption of any of the outstanding or authorized debentures in the preamble to this Act mentioned, or for the substitution therefor of debentures to an equivalent

value, or for payment of the said floating indebtedness shall not require the assent of the electors of the said city before the final passing thereof.

Inconsistent enactments not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures authorized to be issued by this Act, or in the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of any of the said debentures and interest thereon or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-laws, or issue of said debentures, or as to the application of the proceeds thereof.

Irregularity in form not to invalidate debentures.

By-law not to be repealed until debt paid.

14. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Payment of outstanding debentures.

15. The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the debentures authorized to be issued under this Act, such sums as it may require for the purpose of paying off or redeeming the debentures in the preamble to this Act mentioned, or any of them, and the floating indebtedness, and may hypothecate or pledge the said debentures, or any of them, as security for the moneys so borrowed when and upon such rate of interest as to the said corporation shall seem meet.

Borrowing powers of corporation.

16. The limit of the borrowing power of the said corporation shall, notwithstanding the provisions of any Act or law to the contrary, be twelve and one-half per centum of the assessed value of the whole ratable property of the said city of St. Catharines, as shewn by the last revised assessment roll for the time being of the said city.

Mode of computing indebtedness of corporation.

17. In calculating the amount of the indebtedness of the said corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by the next preceding section, has been reached, the amount of its indebtedness for water works purposes being the sum of $304,946.56 as heretofore mentioned, and any liability in respect to local improvement debentures issued by the said corporation shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Treasurer to keep books showing state of debenture account.

18. It shall be the duty of the treasurer of the said city from time to time to keep, and it shall be the duty of each of

the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under this Act, and the respective amounts, and the times at which the said debentures shall become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of said amounts, and the substitution of debentures in redemption of those now existing or authorized to be issued as aforesaid, and the said book of account and statement shall at all times during office hours, be open to the inspection of any ratepayer of the said city, and of any of the holders from time to time of the debentures issued under this Act.

19. This Act may be known and cited as "*The City of St. Catharines Debt Consolidation Act, 1893.*" Short title.

SCHEDULE "A."

(*Section 10*).

PROVINCE OF ONTARIO.

City of St. Catharines General Consolidated Loan Debentures.

Under and by virtue of an Act to consolidate the debt of the City of St. Catharines, passed in the year of Her Majesty's reign and chaptered the Corporation of the city of St. Catharines, promise to pay to the bearer at the sum of on the day of one thousand hundred and and the yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated at the city of St. Catharines this day of A. D.

[L.S.]

A. B., Mayor.
C. D., Treasurer.

SCHEDULE "B."

(*Section 10.*)

By-law number to authorize the issue of debentures under the authority of of an Act to consolidate the debenture debt of the City of St. Catharines passed in the year of Her Majesty's reign chaptered and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned not exceeding the sum of $790,000 in the whole as the corporation of the City of St. Catharines may direct, and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of with interest thereon at the rate of per cent. per annum payable yearly according to the coupons to the said debentures attached; and whereas the said Act requires for the payment of the debentures to be issued thereunder that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of $ to be raised annually for the said interest and $ for a sinking fund; and whereas the amount of the whole ratable property in the City of St. Catharines, according to the last revised assessment roll of said city, being for the year one thousand hundred and was $

Therefore the municipal council of the City of St. Catharines enacts as follows:—

1. Debentures under the said Act and for the purposes therein mentioned to be known as "City of St. Catharines General Consolidated Loan Debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons attached thereto for the payment of interest at the rate of per cent. per annum payable yearly on the day in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon the sum of $ shall over and above and in addition to all other sums or rates be raised, levied and collected in each year upon all the ratable property in the said City of St. Catharines during the continuance of the said debentures, or any of them

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

SCHEDULE "C."

(See Preamble.)

Debenture Debt of the City of St. Catharines on the first of January, A. D. 1893.

For what purpose issued.	When issued.	When due.	Numbers of Debentures.	Amount of each issue	Total.	Rate of interest.
Water works, 39 Vict., chap. 47	3 October....1876	1 September....1896	01 to 0410..	199,533.16		6
" " " "	11 November...1882	1 September....1896	0565..	466.84		6
" 41 " " 39	22 April....1878	22 April....1898	0411 to 0564..	74,946.56		6
" 52 " " 70	6 May....1889	6 May....1919	851 to 950..	30,000.00		4
					$ 304,946.56	
Renewal consolidated debt, 39 Vict., chap. 46	31 December ...1876	31 December ...1896	1/1 to 1/300..	146,000.00	146,000.00	6
Drainage, 41 Vict., chap 39	15 June....1887	10 January....1907	1/749 to 1/763..	15,000.00		5
" " "	2 July....1888	2 January....1907	1/806 to 1/820..	15,000.00	30,000.00	5
Park. By-law No. 561, passed 27th June, 1887	27 June....1887	27 June....1907	1/764 to 1/773..	9,900.00	9,900.00	5
Market grounds and city buildings, 41 Vict., chap. 39	29 June....1878	30 June....1898	0301 to 0345..	21,900.00	21,900.00	6
Public Schools, By-law No. 747, passed 12 June, 1890	30 June....1890	30 June....1905	951 to 990..	8,000.00	8,000.00	4½
Municipal loan fund, 36 Vict., chap. 47	1873	31 August....1893	1 to 297.	....	144,982.86	5
St. Catharines & Niagara Central Railway loan, 44 Vict., chap. 73; By-law No. 354, passed 14 November, 1881	28 January....1884	28 January....1901	0356 to 0409..	40,000.00	40,000.00	4
					705,729.42	
St. Catharines & Niagara Central Railway loan, issued but not negotiated	28 January....1884	28 January....1901	0410 to 0519..	39,813.88		
Drainage, 41 Vict., chap. 39, issued but not negotiated	2 May....1891	10 January....1907	997 to 1011..	15,000.00		
" " " not issued	....	....	....	5,000.00		
					59,813.88	
Imperial Bank floating debt, advances from the Imperial Bank of Canada	....	....	....	....	25,000.00	
					$790,543.30	

No. 18.

3rd Session 7th Legislature, 56 Vict., 1893.

BILL.

An Act to Consolidate the debt of the City of St. Catharines.

First Reading, 1893.

(Private Bill.)

Mr. HISCOTT.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 18.] BILL. [1893.

An Act to consolidate the Debt of the City of St Catharines.

Preamble.

WHEREAS the municipal council of the corporation of the City of St. Catharines, have by their petition represented that it has incurred debts and liabilities for the purpose of paying off the municipal loan fund indebtedness, to provide market grounds, city buildings and a park, also for drainage purposes, and a system of water-works, and extension thereof, to aid the St. Catharines and Niagara Central Railway, for old consolidated indebtedness, and for other purposes, for which debentures have from time to time been issued, and are now outstanding to the extent of $705,729.42, and that in addition to the above there is a floating debt of $25,000, and debentures have also been authorized and partly issued, but not sold, for the sum of $20,000 for drainage works, and $39,813.88, in aid of the St. Catharines and Niagara Central Railway, all which debentures now bear interest at rates varying from 4 to 6 per cent. per annum, and mature and are payable at different periods prior to the year 1919, the particulars whereof are set forth in Schedule "C" to this Act; and whereas it is expedient that the said corporation shall be enabled to consolidate its said indebtedness, and to effect a loan to pay off the same, at lower rates of interest than apply to the existing debt; and whereas it has been made to appear that of the said existing debenture debt $304,946.56 has been expended in the construction and extension of the said water-works system, which is a revenue paying investment; and whereas it is desirable to issue the debentures authorized to be issued under this Act, at dates extending over forty years, and that the said corporation should have authority to substitute an equivalent value of the new consolidated debentures to be issued under this Act, for the debentures now issued, or authorized so to be, but not yet sold, and to limit the borrowing powers of the said corporation, and to provide that in determining the said limit, the amount of the debt incurred for water-works purposes shall not be counted as part of the general debt of the said corporation, and the said municipal council has by its petition prayed for the passing of an Act for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated at $790,060.

1. The said debt of the said City of St. Catharines is consolidated at the sum of $790,000 (which amount includes

the sum of $304,946.56 expended for water-works purposes, and is subject to the provisions contained in sections 16 and 17 of this Act), and it shall be lawful for the corporation of the said City of St. Catharines, to raise by way of loan, on the credit of the debentures hereinafter mentioned and by this Act authorised to be issued, from any person or persons, or body corporate, a sum sufficient to pay off the said indebtedness, and the said corporation may, after the redemption of the original debentures, repeal the by-laws under which they were issued, so far as regard the levying of rates imposed thereby, for the redemption of the said original debentures and the payment of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the City of St. Catharines from time to time within the period hereinafter mentioned, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, in such sums of not less than $100 and not exceeding $790,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable at such place or places as the said corporation may deem expedient, and may be expressed in sterling money of Great Britain or currency of Canada.

Application of proceeds.

3. The proceeds of the sale of said debentures shall be applied for the purpose of the redemption and payment of the debentures and floating indebtedness mentioned or referred to in the preamble of this Act, and the said corporation may make such arrangements with the holders of said debentures or any of them, for paying off the same at maturity, or in advance of the respective times fixed for payment thereof, on such terms and conditions as may be agreed on.

Substitution of debentures issued under Act for outstanding debentures.

4. The said corporation may also buy in the said outstanding debentures, or may agree with the holders of them, or any of them, whether the time fixed for payment of them shall have arrived or not, for the substitution for them, or any of them, of debentures to be issued under the authority of this Act, at such price and on such terms and conditions as may be deemed expedient.

Payment of expenses of redeeming existing debentures.

5. All charges and expenses of and incidental to the payment or redemption of the debentures mentioned in the preamble to this Act, may be paid out of the proceeds of the said loan.

Designation and terms of payment of debentures.

6. The said debentures so to be issued may be styled "City of St. Catharines General Consolidated Loan Debentures" and may be issued from time to time as occasion may require, and

in such amounts as may be found expedient to secure advantageous sales, and moneys arising from the sale thereof or the debentures themselves may be substituted for an equivalent value of the debentures already authorized but not yet issued, or if issued, not yet sold, as in the said preamble mentioned; but nothing herein contained shall be construed as giving any authority to pay off or redeem outstanding debentures before maturity, without the consent of the holders thereof.

Term of debentures.

7. The said debentures shall be made payable within forty years from the first day of July next.

Payment of interest.

8. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four per cent. per annum, as to the said corporation may seem meet, and the interest may be made payable yearly, or half yearly.

Investment of sinking fund.

9. The treasurer of the said corporation by and with the consent and approbation of the said municipal council, from time to time, shall have power to invest all moneys standing at the credit of the sinking fund, created under this Act, in the redemption of the said outstanding debentures or in the debentures issued under the authority of this Act, or in government securities or municipal debentures, or he may deposit the same in any chartered bank of the Dominion of Canada of which the said council may, from time to time, approve, and all dividends and interest received on such investments, shall be applied to the extinction of the loan authorized to be raised under this Act.

Form of debentures and by-laws.

10. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Rate for payment of debt and interest.

11. For the payment of the debt and interest represented by said debentures to be issued under the authority of this Act, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, the said sum to be raised by an annual special rate upon the amount of the then ratable or assessable property of the said corporation appearing by the last revised assessment roll thereof.

Provisions respecting assent of electors to by-laws.

12. The by-law or by-laws of the said corporation passed under the authority of this Act for the issue or issues of the said "City of St. Catharines General Consolidated Loan Debentures," or for the redemption of any of the outstanding or authorized debentures in the preamble to this Act mentioned, or for the substitution therefor of debentures to an equivalent

value, or for payment of the said floating indebtedness shall not require the assent of the electors of the said city before the final passing thereof.

Inconsistent enactments not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures authorized to be issued by this Act, or in the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of any of the said debentures and interest thereon or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-laws, or issue of said debentures, or as to the application of the proceeds thereof.

Irregularity in form not to invalidate debentures.

By-law not to be repealed until debt paid.

14. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Payment of outstanding debentures.

15. The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the debentures authorized to be issued under this Act, such sums as it may require for the purpose of paying off or redeeming the debentures in the preamble to this Act mentioned, or any of them, and the floating indebtedness, and may hypothecate or pledge the said debentures, or any of them, as security for the moneys so borrowed when and upon such rate of interest as to the said corporation shall seem meet.

Borrowing powers of corporation.

16. The limit of the borrowing power of the said corporation shall, notwithstanding the provisions of any Act or law to the contrary, be twelve and one-half per centum of the assessed value of the whole ratable property of the said city of St. Catharines, as shewn by the last revised assessment roll for the time being of the said city.

Mode of computing indebtedness of corporation.

17. In calculating the amount of the indebtedness of the said corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by the next preceding section, has been reached, the amount of its indebtedness for water works purposes being the sum of $304,946.56 as heretofore mentioned, and any liability in respect to local improvement debentures issued by the said corporation shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Treasurer to keep books showing state of debenture account.

18. It shall be the duty of the treasurer of the said city from time to time to keep, and it shall be the duty of each of

the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under this Act, and the respective amounts, and the times at which the said debentures shall become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of said amounts, and the substitution of debentures in redemption of those now existing or authorized to be issued as aforesaid, and the amount raised on account of the sinking fund and the investments thereof from time to time made and as to so much thereof as shall at any time or times be deposited or invested as directed by section 9 of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposit, and the amount, the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times during office hours, be open to the inspection of any ratepayer of the said city, and of any of the holders from time to time of the debentures issued under this Act.

19. This Act may be known and cited as "*The City of St. Catharines Debt Consolidation Act, 1893.*" Short title.

SCHEDULE "A."

(*Section 10*).

PROVINCE OF ONTARIO.

City of St. Catharines General Consolidated Loan Debentures.

Under and by virtue of an Act to consolidate the debt of the City of St. Catharines, passed in the year of Her Majesty's reign and chaptered the Corporation of the city of St. Catharines, promise to pay to the bearer at the sum of on the day of one thousand hundred and and the yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated at the city of St. Catharines this day of A. D.

[L.S.]

A. B., Mayor.
C. D., Treasurer.

SCHEDULE "B."

(Section 10.)

By-law number to authorize the issue of debentures under the authority of of an Act to consolidate the debenture debt of the City of St. Catharines passed in the year of Her Majesty's reign chaptered and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned not exceeding the sum of $790,000 in the whole as the corporation of the City of St. Catharines may direct, and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of $ payable on the day of with interest thereon at the rate of per cent. per annum payable yearly according to the coupons to the said debentures attached; and whereas the said Act requires for the payment of the debentures to be issued thereunder that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of $ to be raised annually for the said interest and $ for a sinking fund; and whereas the amount of the whole ratable property in the City of St. Catharines, according to the last revised assessment roll of said city, being for the year one thousand hundred and was $

Therefore the municipal council of the City of St. Catharines enacts as follows:—

1. Debentures under the said Act and for the purposes therein mentioned to be known as "City of St. Catharines General Consolidated Loan Debentures" to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The debentures shall have coupons attached thereto for the payment of interest at the rate of per cent. per annum payable yearly on the day in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon the sum of $ shall over and above and in addition to all other sums or rates be raised, levied and collected in each year upon all the ratable property in the said City of St. Catharines during the continuance of the said debentures, or any of them

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

SCHEDULE "C."

(See Preamble.)

Debenture Debt of the City of St. Catharines on the first of January, A. D. 1893.

For what purpose issued.	When issued.	When due.	Numbers of Debentures.	Amount of each issue	Total.	Rate of interest.
Water works, 39 Vict., chap. 47	3 October....1876	1 September....1896	01 to 0410	199,533.16		6
" " " "	11 November...1882	1 September....1896	0565	466.84		6
" 41 " " 39	22 April....1878	22 April....1898	0411 to 0564	74,946.56		6
" 52 " " 70	6 May....1889	6 May....1919	851 to 950	30,000.00		4
					$ 304,946.56	
Renewal consolidated debt, 39 Vict., chap. 46	31 December ...1876	31 December ...1896	1/1 to 1/300	146,000.00	146,000.00	6
Drainage, 41 Vict., chap. 39	15 June....1887	10 January....1907	1/749 to 1/763	15,000.00		5
" " "	2 July....1888	2 January....1907	1/806 to 1/820	15,000.00	30,000.00	5
Park. By-law No. 561, passed 27th June, 1887	27 June....1887	27 June....1907	1/764 to 1/773	9,900.00	9,900.00	5
Market grounds and city buildings, 41 Vict., chap. 39	29 June....1878	30 June....1898	0301 to 0345	21,900.00	21,900.00	6
Public Schools, By-law No. 747, passed 12 June, 1890	30 June....1890	30 June....1905	951 to 990	8,000.00	8,000.00	4½
Municipal loan fund, 36 Vict., chap. 47	1873	31 August....1893	1 to 297		144,982.86	5
St. Catharines & Niagara Central Railway loan, 44 Vict., chap. 73; By-law No. 354, passed 14 November, 1881	28 January....1884	28 January....1901	0356 to 0409	40,000.00	40,000.00	4
					705,729.42	
St. Catharines & Niagara Central Railway loan, issued but not negotiated	28 January....1884	28 January....1901	0410 to 0519	39,813.88		
Drainage, 41 Vict., chap. 39, issued but not negotiated	2 May....1891	10 January....1907	997 to 1011	15,000.00		
" " " not issued				5,000.00		
					59,813.88	
Imperial Bank floating debt, advances from the Imperial Bank of Canada					25,000.00	
					$790,543.30	

No. 18.

3rd Session 7th Legislature, 56 Vict., 1893.

BILL.

An Act to Consolidate the debt of the City of St. Catharines.

First Reading, 14th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. Hiscott.

TORONTO:
PRINTED BY L K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 19.] **BILL.** [1893.

An Act respecting the City of St. Catharines.

Preamble. WHEREAS the municipal council of the corporation of the city of St. Catharines has, by its petition, represented that the said council did on the 16th day of June, A. D. 1886, pass By-law No. 512, to authorize said corporation to aid the St. Catharines and Niagara Central Railway Company by guaranteeing $80,000 of their bonds or debentures under the provisions whereof the said corporation acquired and became and are now the absolute owners of certain other bonds or debentures of said company, numbered from 217 to 380 inclusive, to the extent of $80,000 transferred to them by the said company in consideration of the guarantee by the said corporation for and on behalf of said company, of bonds or debentures of said company of a similar amount and issue. And that, as an inducement and consideration for the passing of said By-law No. 512 by the ratepayers and council of said corporation, the said company and certain directors thereof did execute an agreement, set forth in full in schedule "A" to this Act, and the same was published contemporaneously with said by-law prior to the final passing thereof by the said council and that a bond, as in schedule "B" to this Act is fully set forth, was, in pursuance of said agreement, duly executed and delivered to the said corporation by the said company, upon the receipt by them of the bonds or debentures so guaranteed as aforesaid by the said corporation; and that doubts have arisen as to the power and authority of the said corporation to deal with the said bonds or debentures of said company (now held by them as aforesaid under the provisions of sections 5 and 6 of said by-law), according to the terms and conditions set forth in said agreement and bond; and that it is in the interest of the said city of St. Catharines that the council should have authority to deal with the said bonds or debentures as hereinafter set forth, and have prayed to have the said agreement and bond validated and confirmed; and that power and authority be given to the council of the said corporation to deal with said bonds or debentures (so held by them as aforesaid) in manner and upon the terms and conditions mentioned and stipulated for in said agreement and bond, or otherwise, as to the said council shall seem meet; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and

consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Validating and confirming agreement and bond.

1. The agreement made on the 10th day of May, A. D. 1886, between the St. Catharines and Niagara Central Railway Company and certain persons mentioned therein (then directors of the said company), and the corporation of the city of St. Catharines, set out in schedule "A" to this Act, and the bond entered into on the 18th day of July, A. D. 1888, by Lucius S. Oille and certain other persons (directors of said company) therein named, to the said corporation of the city of St. Catharines, set forth in schedule "B" to this Act, are hereby confirmed, and declared to have been and to be valid and effectual and binding upon the parties thereto, and the said corporation of the city of St. Catharines is hereby declared to have and to have had power and authority to do all necessary Acts to give effect to the same.

Authority given to dispose of bonds of railway.

2. Notwithstanding anything contained in said By-law No. 512, the council of the said corporation is hereby authorized and empowered to deal with and finally dispose of the bonds or debentures of the said The St Catharines and Niagara Central Railway Company (by them transferred to, and now held by the said corporation under the provisions of sections 5 and 6 of said By-law No. 512, as mentioned in the preamble to this Act, in such manner and at such times and upon such terms as the municipal council of said corporation may deem expedient, subject, however, to the rights (if any) of the obligors under the said bond of the 18th day of July, 1888, in respect of such bonds or debentures, or any of them or the coupons for interest thereon or any of them.

SCHEDULE "A."

(Section 1.)

This indenture, made in duplicate the tenth day of May one thousand, eight hundred and eighty-six between the St Catharines and Niagara Central Railway Company, hereinafter called the company, of the first part; Lucius S. Oille physician; Patrick Larkin, contractor; Richard Wood, contractor; Nelson Haight, brick manufacturer; William Walker Greenwood, druggist, and Edward A. Smyth, contractor, all of the city of St. Catharines, in the county of Lincoln, of the second part, and the corporation of the city of St. Catharines, herein called the corporation, of the third part.

Whereas fifty and more resident freeholders of the city of St. Catharines, being duly qualified voters under the Municipal Act, have, by their petition, duly presented to the municipal council of the corporation of the city of St. Catharines, expressed the desire to aid the St. Catharines and Niagara Central Railway, and have prayed for the introduction of a by-law to the effect petitioned for, and on the terms and conditions therein set forth.

And whereas the said municipal council of the corporation of the city of St. Catharines in compliance with the said petition, have introduced a by-law to aid the said company in the manner and to the extent petitioned for, by guaranteeing $80,000 of the first mortgage bonds of the said company, upon the terms and conditions in said petition set forth.

And whereas the said By-law provides that $40,000 of the guaranteed bonds shall be delivered by the trustees to the said company, on the construction of the said road ready for traffic from the Niagara river to the corporate limit of the city of St. Catharines, and the remaining $40,000 of the guaranteed bonds shall be delivered by the trustees to the company upon the construction of its road, ready for traffic, forward in the said city, to and inclusive of its station, situated at a point between Geneva street and Ontario street in the said city.

And whereas the said by-law further provides that the company shall give to the corporation $80,000 of its bonds, being of the same issue as the bonds to be guaranteed, which said bonds shall be delivered by the said trustees to the said corporation in equal amounts and at equal times, that the said trustees deliver to the company the bonds guaranteed by the corporation, all the said bonds to be a first mortgage and preferential claim and charge upon the said company's railway and undertaking.

And whereas, to allay doubts and better to secure the corporation in the construction of the said railway, the said company has agreed to enter into these presents, and has agreed with the said corporation not to ask for, demand or receive from the said corporation or from the said trustees, appointed under the said by-law the $40,000 of guaranteed bonds which under said by-law are to be delivered by the trustees to the said company upon the construction of its road ready for traffic forward in the said city to and inclusive of its station, situated at a point between Geneva street and Ontario street. in said city, unless and until the company shall have first delivered to the corporation the certain bond of indemnity hereinafter set out and specified.

Now, this indenture witnesseth that the said company, in consideration of the premises, for itself, its successors, and assigns, covenants, promises and agrees to and with the said corporation of the city of St. Catharines in manner following, that is to say.

That the said company will not ask for, demand or receive from the corporation or the said trustees the $40,000 guaran-

teed bonds lastly above mentioned, unless and until the said company shall have first delivered to the said corporation the joint and several bonds of the following directors of the said company, namely: Lucius S. Oille, Patrick Larkin, Richard Wood, Nelson Haight, William Walker Greenwood, and Edward A. Smyth, or in the event of one or more of them dying, then such other shareholder or shareholders of said company as may, or may in the aggregate, be financially of as good standing as the director or directors so dying (the said shareholder or shareholders so to be substituted to be named by the said company and to be subject to the approval of the judge of the county court of the county of Lincoln, as to his or their being of as good financial standing as the director or directors so dying as aforesaid, and whose place or places it is intended to fill) in the penal sum of $20,000, guaranteeing the payment of the interest falling due on the said last mentioned $40,000 of guaranteed bonds, from the time of their delivery by the said trustees to the said company until it has built its road from the city of St. Catharines westerly to the intersection of the Hamilton and Northwestern Railway, in or near the city of Hamilton.

The said bond to contain the following conditions:—

(1.) The said obligors or any of them, upon the payment by them, or any of them, of the interest upon the said $40,000 guaranteed bonds, or any part thereof, shall be entitled to the coupons upon such guaranteed bonds representing the interest paid by them or any of them, and to hold the same against the said company.

(2.) The said corporation shall forego claiming interest accruing on the first mortgage bonds, or any of them, given it by the said company during the space of time the obligors are liable, or are called upon to pay the interest under their bond.

(3.) The company, or the obligors, or any of them, shall have the privilege or option at any time during the said period of time covered by the said bond, upon getting possession of the said $ 0,000 guaranteed bonds, or any of them, of releasing the said corporation from its guarantee of the same, and upon giving such release shall be entitled to have delivered up to it, or them, by the corporation an equal amount of the first mortgage bonds given to the said corporation by the said company.

And the said parties hereto, of the second part, hereby sanction these presents, and consent and undertake to execute the bond herein referred to upon the terms and conditions aforesaid.

In witness whereof the said company has caused to be hereunto affixed its corporate seal under the hand of its president, and the said parties of the second part have here-

unto set their hands and seals, and the said corporation has caused to be affixed hereunto its corporate seal under the hands of the mayor and clerk thereof.

Signed, sealed and delivered in presence of
(Sgd) R. DOUGLAS,
As to the execution by the president of the St. Catharines and Niagara Central Railway Company, Lucius S. Oille, Richard Wood and William Walker Greenwood.

LUCIUS S. OILLE,
[Seal] President.

(Sgd) R. DOUGLAS.
C. KELLY, as to execution of P. Larkin,
R. DOUGLAS.
A. HAIGHT, as to execution of N. Haight.
R. DOUGLAS.
A. P. FREISMAN, as to the signature of E. A. Smyth.

[Seal]
LUCIUS S. OILLE,
P. LARKIN,
RICHARD WOOD,
N. HAIGHT,
W. W. GREENWOOD,
E. A. SMYTH.

SCHEDULE "B."

(Section 1.)

Know all men by these presents that we, Lucius S. Oille physician; William W. Greenwood, druggist; Edward A Smyth, contractor; Sylvester Neelon, miller; John Carrol, contractor, and Henry A. King, accountant, all of the city of St. Catharines, in the county of Lincoln, president and directors of the St. Catharines and Niagara Central Railway Company, are jointly and severally held and firmly bound unto the corporation of the city of St. Catharines, in the penal sum of $20,000 of lawful money of Canada, to be paid to the said corporation or its certain attorney, successors or assigns, for which payment well and truly to be made we bind ourselves and respective heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this eighteenth day of July, A. D. 1888.

Whereas by a certain agreement under seal, dated the 10th day of May, A. D. 1886, and made between the St. Catharines and Niagara Central Railway Company, of the first part, the said Lucius S. Oille, William W. Greenwood and Edward A. Smyth, and Patrick Larkin, contractor; Richard Wood, con-

tractor, and Nelson Haight, manufacturer, all of St. Catharines aforesaid, of the second part, and the corporation of the city of St Catharines, of the third part, the said company covenanted with the said corporation not to ask for, demand or receive from the said corporation or the trustees therein named, the $40,000 bonds of said company guaranteed by the said corporatian as provided for by a certain by-law of said corporation, to be and which was thereafter passed, numbered 512, and dated the thirteenth day of June, A. D. 1886, being that portion of the bonds guaranteed by said corporation under and in pursuance of said by-law, to be delivered by the said trustees to the said company upon the construction of its road ready for traffic forward in said city to and inclusive of its station situated at a point between Geneva street and Ontario street in said city, unless and until the said company should have first delivered to the said corporation the joint and several bond of the said Lucius S. Oille, Patrick Larkin, Richard Wood, Nelson Haight, William W. Greenwood and Edward A. Smyth (who were then the president and directors of the said company) in the penal sum of $20,000, guaranteeing the payment of the interest falling due on the said $40,000 of guaranteed bonds from the time of the delivery thereof by the said trustees to the said company, until it has built its road from the said city of St. Catharines westerly to the intersection of the Hamilton and Northwestern Railway in or near the city of Hamilton.

And whereas the said company has complied with the terms of said by-law to the satisfaction of the council of said city.

And whereas since the said agreement was entered into the said Patrick Larkin, Richard Wood and Nelson Haight have ceased to be directors of said company, and the said Sylvester Neelon, John Carrol and Henry A. King have been duly appointed directors thereof.

And whereas the said council has by resolution passed on the day of July, A. D. 1888, authorized the said trustees to deliver the said bonds to the said company upon the execution and delivery to said corporation of the bond before mentioned, but signed by the said Lucius S. Oille, William W. Greenwood, Edward A. Smyth, Sylvester Neelon, John Carrol and Henry A. King, instead of by the persons named in said agreement.

Now, the condition of this obligation is such that if the said obligors shall pay, or cause to be paid, the interest from time to time falling due upon the said $40,000 of guaranteed bonds of said company, which shall accrue from the time of their delivery to said company until it has built its road from the city of St. Catharines westerly to the intersection of the Hamilton and Northwestern Railway in or near the city of Hamilton.

Provided always:—

(1) That the said obligors or any of them, upon the payment by them or any of them, of the interest upon the said

$40,000 guaranteed bonds, or any part thereof, shall be entitled to the coupons upon such guaranteed bonds representing the interest paid by them, or any of them, and to hold the same against the said company.

(2) That the said corporation shall forego claiming interest accruing on the first mortgage bonds or any of them given it by the said company during the space of time the obligors are liable or called upon to pay the interest under their bond.

(3) And that the said company, or the obligors, or any of them, shall have the privilege or option at any time during the said period of time covered by the said bond of coming into possession of the $40,000 guaranteed bonds, or any of them, of releasing the said corporation from its guarantee of the same, and upon giving such release shall be entitled to have delivered up to it or them by the corporation an equal amount of the first mortgage bonds given to the said corporation by the said company.

And if the said obligors shall at all times hereafter indemnify and keep indemnified the said corporation against payment of the said interest on the said guaranteed bonds or any part thereof.

Then the above written obligation shall be void and of no effect, otherwise to remain in full force and virtue.

Signed, sealed and delivered in the presence of

(Sgd.)

WM. B. TOWERS.

(Sgd.) LUCIUS S. OILLE. [L.S.]
W. W. GREENWOOD,
E. A. SMYTH,
SYLVESTER NEELON,
JOHN CARROL,
HENRY A. KING.

No. 19.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the City of St. Catharines.

First Reading, 1893.

(Private Bill.)

Mr. HISCOTT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] BILL. [1893.

An Act to confirm the will of the late T. B. P. Stewart and to enable the Law Society of Upper Canada to accept the devises and bequests thereunder.

Preamble.

WHEREAS the Law Society of Upper Canada has by its petition represented that T. B. P Stewart, late of the city of Toronto in the county of York, barrister-at-law, did on or about the sixth day of June A D. 1891, make his last will and testament in manner and form sufficient to pass real and personal estate in the province of Ontario, (which said will is set forth in the schedule hereto,) and thereafter departed this life on or about the second day of February, 1892; that by the said will it manifestly appears that it was the testator's earnest desire that the petitioners should receive the property for the purpose set forth in the said will, and that if necessary the petitioners should apply for and obtain the sanction of the Legislature to the disposition so made by him of his property that certain of the property disposed of by the said will consists of land or money invested on the security of mortgages of of land; and that doubts have been raised as to the powers of the Law Society of Upper Canada to receive under the said will land owned by the testator or money invested by him on the security of mortgages of land; and has prayed that the said will may be confirmed and the petitioners enabled to accept the said gift and so carry out the intention of the said testator; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Law Society empowered to accept bequest.

1. Notwithstanding any law or usage to the contrary the Law Society of Upper Canada is hereby declared to have the right to accept the devise and bequest of all and singular the property whether real or personal or savoring of realty which by the will of the said T. B. P. Stewart dated the sixth day of June A.D. 1891 is expressed to be devised and bequeathed to the said Law Society of Upper Canada, and the said devise and bequest is hereby confirmed; and the property real and personal of which the testator died seized or possessed and by the said will devised and bequeathed to the said Law Society of Upper Canada is hereby vested in the Law Society of Upper Canada.

Bequest confirmed.

Admistrator empowered to transfer property to the Law Society.

2. It shall be lawful for the admistrator with the will annexed or other the personal representative of the said T. B. P

Stewart and he or they are hereby authorized, empowered and directed to assign, transfer, deliver and hand over after the expiration of two years from the death of the testator all the said property so devised and bequeathed or expressed to be devised and bequeathed to the Law Society of Upper Canada and their successors, to hold the same for the purposes and subject to the trusts with regard to the same declared by the said will.

Land and unpaid personal to be sold within seven years.

3. All such land if any and all securities for money charged upon land or secured thereby shall be sold within seven years from the vesting of the said property in the said Society.

SCHEDULE

Will and Codicil of T. B. P. Stewart.

Toronto, June 6th. 1891.

This is the last will and testament of me T. B. P. Stewart, of the city of Toronto, County of York, student-at-law.

I revoke all former wills made heretofore by me.

I devise and bequeath to the Law Society of Upper Canada all my real and personal estate, the annual income of which I desire a committee of Benchers to invest in the purchase of law books for the Law School. If the aforesaid Society have not license of mortmain to take any of the aforesaid property I bequeath the income of all the aforesaid property which said Society cannot take, to the University of Toronto for two years from the date of my death. If the said Law Society of Upper Canada (supposing the Society cannot take) become empowered by law to take the aforesaid property within the aforesaid two years then all the aforesaid property is to go to the said Society at the expiration of the aforesaid two years for the aforesaid purpose. If the said Society be not empowered to take by law at the expiration of the said years, all the aforesaid property is to go to the trustees of the Sick Children's Hospital, corner of College Avenue and Elizabeth St. in the city of Toronto for the purposes of that charity. All my funeral and testamentary expenses must first be paid. I desire to be buried at Grahamsville in the Phillips' Plot without any ceremony whatsoever.

I give my diamond ring to Albert Cummins of Winnipeg; my other rings and watch and jewelry to T. G. Phillips, M. D., of Winnipeg. I leave my books and all other personal belongings at 112 College Avenue to the family of James McGee to be divided among them as they choose.

My papers and securities are in a box at Willoughby, McPhillips & Cameron's.

In witness whereof I have hereunto set my hand to this my will this 6th day of June 1891.

Signed and delivered by the said T. B. P. Stewart as and for his last will and testament in the presence of us present at the same time who in his presence and at his request and in the presence of each other have hereunto subscribed our names as witnesses.

Witnesses,—

D. O. Cameron.

F McPhillips. (Sgd.) T. B. P. Stewart.

CODICIL TO THE ABOVE WILL, June 8th., 1891.

Failing in the above bequests, I desire any residue undisposed of to be divided equally between Albert C. Cummins of Winnipeg and T. G. Phillips, M. D., of Winnipeg.

Signed and delivered by the said T. B. P. Stewart as and for his last will and testament in the presence of us present at the same time who in his presence and at his request and in the presence of each other have hereunto subscribed our names as witnesses.

Witnesses.—

Neil J. Smith.

D. O. Cameron. (Sgd.) T. B. P. Stewart.

No. 20.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to confirm the will of the late T. B. P. Stewart and to enable the Law Society of Upper Canada to accept the devises and bequests thereunder.

First Reading, 1893.

(Private Bill.)

Mr. GUTHRIE.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] BILL. [1893.

To confirm the will of T. B. P. Stewart, and distribute the Estate.

WHEREAS, one T. B. P. Stewart did make his last will and testament in the words and figures following, that is to say:—

TORONTO, June 6th, 1891.

This is the last will and testament of me, T. B. P. Stewart, of the city of Toronto, in the county of York, student-at-law.

I revoke all the former wills made heretofore by me.

I devise and bequeath to the Law Society of Upper Canada all my real and personal estate, the annual income of which I desire a committee of benchers to invest in the purchase of law books for the law school. If the aforesaid society have not license of mortmain, to take any of the aforesaid property, I bequeath the income of all the aforesaid property which the said society cannot take, to the University of Toronto for two years from the date of my death. If the said Law Society of Upper Canada (supposing the society cannot take) become empowered by law to take the aforesaid property within the aforesaid two years, then all the aforesaid property is to go to the said society at the expiration of the aforesaid two years, for the aforesaid purpose. If the said society be not empowered to take, by law, at the expiration of the said two years, all the aforesaid property is to go to the trustees of the Sick Childrens' Hospital, corner of College and Elizabeth streets, in the city of Toronto, for the purposes of that charity.

All my funeral and testimony expenses must first be paid; I desire to be buried at Grahamsville, in the Phillips' plot, without any ceremony whatsoever.

I give my diamond ring to Albert Cummins, of Winnipeg. My other rings, and watch and jewelery to T. G. Phillips, M.D., of Winnipeg. I leave my books and all other personal belongings at 112 College avenue, to the family of James McGee, to be divided among them as they choose.

My papers and securities are in a box at Willoughby, McPhillips & Cameron.

In witness, whereof I have hereunto set my hand to this, my will, this 6th day of June, 1891.

Signed and delivered by the said T. B. P. Stewart as, and for his last will and testament, in the presence of us, present at the same time who, in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses.

(Signed)
T. B. P. STEWART.

Witness: D. O. CAMERON,
F. MCPHILLIPS.

Codicil to the above will, June 8th 1891.

Failing the above bequests, I desire my residue undisposed of to be divided equally between Albert C. Cummins, of Winnipeg, and T. G. Phillips, M.D., of Winnipeg.

Signed and delivered by the said T. B. P. Stewart as, and for his last will and testament, in the presence of us present, at the same time who, in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses.

(Signed)
T. B. P. Stewart.

Witness: Neil J. Smith,
D. O. Cameron.

And thereafter departed this life on or about the second day of February, 1892, and letters of administration with the said will annexed were granted to James McGee, of the city of Toronto, Esquire; and whereas, the Law Society of Upper Canada, by their petition, have asked that the said will should be confirmed, and the property thereby devised and bequeathed should be vested in them for the purposes of the said will; and whereas, the said property consists in gross of $6,615.06 in cash and personal securities, mortgages on realty to the amount of $14,480.70, and a small parcel of land in the village of Bolton, in this Province, and a small parcel of land in Winnipeg, in the Province of Manitoba; and whereas, the corporation known as the Hospital for Sick Children claims the said mortgages by virtue of the said will, and of the several statutes thereunto enabling the said hospital so to do, which claim is disputed by the Law Society aforesaid; and whereas, it is admitted by the Hospital for Sick Children for the purpose of this legislation, that the Law Society of Upper Canada is entitled to the sum of $6,615.06, being the portion of said property in cash or personal securities, subject to the conditions imposed in respect thereof by said will; and whereas, the said mortgages, although of the nominal value of $14,480.70 are of much less value by reason of the fact that several of them are second mortgages on properties which, since the date of said will, have become depreciated to such an extent as to render it improbable that they will realize sufficient to pay more than what may be due on the prior encumbrances; and whereas, the determination of the respective rights of the said, the Law Society of Upper Canada and the Hospital for Sick Children, would result in expensive litigation and tedious delays, whereby the benefit of the bequests would be greatly lessened, and in order to avoid the same and to resolve and settle all doubts, the said the Hospital for Sick Children, for the purpose of equitably carrying out the testator's intention and preventing litigation, loss and delay has proposed to the Law Society of Upper Canada to accept one-half of the whole estate situate, or being in the Province of Ontario, in full satisfaction of all claims of the Hospital for Sick Children under the said will, and the Law Society of Upper Canada,

with a view to prevent litigation and to save the estate from expense, has agreed to this proposition, and to relinquish its claims to all interest or share in said property in this Province to the extent of one-half thereof, subject always to the rights of the Crown for the benefit of the University of Toronto, under said will; and whereas, it is desirable to grant the prayer of the petition of the Law Society of Upper Canada, subject to the said agreement.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding any law or usage to the contrary, the Law Society of Upper Canada and the Hospital for Sick Children are hereby declared respectively to have the right to accept the devises and bequests of all and singular, the property, whether real, or personal, or savouring of realty which, by the said will is expressed to be devised and bequeathed, and the said devise and bequest as varied by the said agreement and compromise, are hereby confirmed in the following manner, that is to say:—The said property at the expiration of two years from the death of the said testator is hereby declared to be vested in the Law Society of Upper Canada after payment of all legitimate expenses in administration of the estate and realizing the fund as to one-half thereof to be held by them upon the trusts mentioned in the said will, namely, the annual income thereof to be invested in the purchase of books for the law school by a committee of the benchers of the said Law Society, and as to the other half of the said fund, to hold the same in trust to pay over to the Hospital for Sick Children for the purposes of the said hospital as declared in the said will.

2. Notwithstanding anything in this Act contained, the rights of the Crown for the benefit of the University of Toronto, with respect to the income as set out in the said will, shall not be in any wise affected.

3. It shall be lawful for the administrator with the will annexed, or for the personal representative of the said testator, and he or they are hereby authorized, empowered, and directed at the expiration of the said two years, and after payment of the income as aforesaid to the Crown for the benefit of the University of Toronto, to assign, transfer, deliver, and hand over all the said property so devised and bequeathed or expressed to be devised and bequeathed to the Law Society of Upper Canada to hold the same subject to the provisions of this Act.

4. All such land, if any, and all securities for money charged upon land, or secured thereby, shall be sold within seven years from the vesting of the said proporty in the Law Society of Upper Canada.

No. 20.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

To confirm the will of T. B. P. Stewart and distribute the Estate.

First Reading, 14th April, 1893.

(*Reprinted as amended by Private Bills Committee.*)

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] BILL. [1893.

To confirm the will of T. B. P. Stewart, and distribute the Estate.

WHEREAS, one T. B. P. Stewart did make his last will and testament in the words and figures following, that is to say:—

TORONTO, June 6th, 1891.

This is the last will and testament of me, T. B. P. Stewart, of the city of Toronto, in the county of York, student-at-law.

I revoke all the former wills made heretofore by me.

I devise and bequeath to the Law Society of Upper Canada all my real and personal estate, the annual income of which I desire a committee of benchers to invest in the purchase of law books for the law school. If the aforesaid society have not license of mortmain, to take any of the aforesaid property, I bequeath the income of all the aforesaid property which the said society cannot take, to the University of Toronto for two years from the date of my death. If the said Law Society of Upper Canada (supposing the society cannot take) become empowered by law to take the aforesaid property within the aforesaid two years, then all the aforesaid property is to go to the said society at the expiration of the aforesaid two years, for the aforesaid purpose. If the said society be not empowered to take, by law, at the expiration of the said two years, all the aforesaid property is to go to the trustees of the Sick Childrens' Hospital, corner of College and Elizabeth streets, in the city of Toronto, for the purposes of that charity.

All my funeral and testimony expenses must first be paid; I desire to be buried at Grahamsville, in the Phillips' plot, without any ceremony whatsoever.

I give my diamond ring to Albert Cummins, of Winnipeg. My other rings, and watch and jewelery to T. G. Phillips, M.D., of Winnipeg. I leave my books and all other personal belongings at 112 College avenue, to the family of James McGee, to be divided among them as they choose.

My papers and securities are in a box at Willoughby, McPhillips & Cameron.

In witness, whereof I have hereunto set my hand to this, my will, this 6th day of June, 1891.

Signed and delivered by the said T. B. P. Stewart as, and for his last will and testament, in the presence of us, present at the same time who, in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses.

(Signed)
T. B. P. STEWART.

Witness: D. O. CAMERON,
F. McPHILLIPS.

Codicil to the above will, June 8th 1891.

Failing the above bequests, I desire my residue undisposed of to be divided equally between Albert C. Cummins, of Winnipeg, and T. G. Phillips, M.D., of Winnipeg.

Signed and delivered by the said T. B. P. Stewart as, and for his last will and testament, in the presence of us present, at the same time who, in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses.

(Signed)
T. B. P. Stewart.

Witness: Neil J. Smith,
D. O. Cameron.

And thereafter departed this life on or about the second day of February, 1892, and letters of administration with the said will annexed were granted to James McGee, of the city of Toronto, Esquire; and whereas, the Law Society of Upper Canada, by their petition, have asked that the said will should be confirmed, and the property thereby devised and bequeathed should be vested in them for the purposes of the said will; and whereas, the said property consists in gross of $6,615.06 in cash and personal securities, mortgages on realty to the amount of $14,480.70, and a small parcel of land in the village of Bolton, in this Province, and a small parcel of land in Winnipeg, in the Province of Manitoba; and whereas, the corporation known as the Hospital for Sick Children claims the said mortgages by virtue of the said will, and of the several statutes thereunto enabling the said hospital so to do, which claim is disputed by the Law Society aforesaid; and whereas, it is admitted by the Hospital for Sick Children for the purpose of this legislation, that the Law Society of Upper Canada is entitled to the sum of $6,615.06, being the portion of said property in cash or personal securities, subject to the conditions imposed in respect thereof by said will; and whereas, the said mortgages, although of the nominal value of $14,480.70 are of much less value by reason of the fact that several of them are second mortgages on properties which, since the date of said will, have become depreciated to such an extent as to render it improbable that they will realize sufficient to pay more than what may be due on the prior encumbrances; and whereas, the determination of the respective rights of the said, the Law Society of Upper Canada and the Hospital for Sick Children, would result in expensive litigation and tedious delays, whereby the benefit of the bequests would be greatly lessened, and in order to avoid the same and to resolve and settle all doubts, the said the Hospital for Sick Children, for the purpose of equitably carrying out the testator's intention and preventing litigation, loss and delay has proposed to the Law Society of Upper Canada to accept one-half of the whole estate situate, or being in the Province of Ontario, in full satisfaction of all claims of the Hospital for Sick Children under the said will, and the Law Society of Upper Canada,

with a view to prevent litigation and to save the estate from expense, has agreed to this proposition, and to relinquish its claims to all interest or share in said property in this Province to the extent of one-half thereof, subject always to the rights of the Crown for the benefit of the University of Toronto, under said will; and whereas the residuary devisees, represented by counsel, have appeared and opposed the said petition; and whereas, it is desirable to grant the prayer of the *said* petition subject to the said agreement.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding any law or usage to the contrary, the Law Society of Upper Canada and the Hospital for Sick Children are hereby declared respectively to have the right to accept the devises and bequests of all and singular, the property, whether real, or personal, or savouring of realty which, by the said will is expressed to be devised and bequeathed, and the said devise and bequest as varied by the said agreement and compromise, are hereby confirmed in the following manner, that is to say:—The said property at the expiration of two years from the death of the said testator is hereby declared to be vested in the Law Society of Upper Canada after payment of all legitimate expenses in administration of the estate and realizing the fund free from all claims on the part of the said residuary devisees, Albert C. Cummins and T. G. Phillips, and as to one-half thereof to be held by the said Law Society free as aforesaid upon the trusts mentioned in the said will, namely, the annual income thereof to be invested in the purchase of books for the law school by a committee of the benchers of the said Law Society, and as to the other half of the said fund, to hold the same in trust to pay over to the Hospital for Sick Children for the purposes of the said hospital as declared in the said will.

2. Notwithstanding anything in this Act contained, the rights of the Crown for the benefit of the University of Toronto, with respect to the income as set out in the said will, shall not be in any wise affected.

3. It shall be lawful for the administrator with the will annexed, or for the personal representative of the said testator, and he or they are hereby authorized, empowered, and directed at the expiration of the said two years, and after payment of the income as aforesaid to the Crown for the benefit of the University of Toronto, to assign, transfer, deliver, and hand over all the said property so devised and bequeathed or expressed to be devised and bequeathed to the Law Society of Upper Canada to hold the same subject to the provisions of this Act.

4. All such land, if any, and all securities for money charged upon land, or secured thereby, shall be sold within seven years from the vesting of the said proporty in the Law Society of Upper Canada.

No. 20.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

To confirm the will of T. B. P. Stewart and distribute the Estate.

First Reading, 14th April, 1893.
Second " 8th May, 1893.

(*Reprinted as amended in Committee of the Whole House.*)

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 21.] **BILL.** [1893.

An Act to Consolidate the Debt of the Town of Tilsonburg.

Preamble

WHEREAS the corporation of the town of Tilsonburg in the county of Oxford have by their petition represented that they have incurred debts and liabilities for the purpose of fire protection, aiding railways and manufactories, building a high school and other public improvements to the extent of $52,861, (exclusive of a debt for public school buildings) for which debentures have from time to time been issued under the authority of various by-laws; and whereas $11,761, of such debentures have been paid as they respectively became due, but there remains a balance of $41,100 still unpaid, $7,600 of which fall due on the 1st day of January A.D 1894; $3,000 on the 1st day of July A.D. 1894. $6,000 on the 1st day of July A.D. 1897, $3,000 on the 1st day of January A.D. 1899 and the balance at different times in the years 1906, 1908 and 1912 and no provision has been made for the payment of same except the sum of $ of sinking fund which still remains in the hands of the treasurer of the said corporation after payment of the debentures which have matured as aforesaid; and whereas the payment of the said debentures as they fall due, will be unduly oppressive to the ratepayers of the said corporation; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by debenture as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Issue of debentures for authorized.

1. It shall and may be lawful for the said corporation of the town of Tilsonburg, from time to time, to pass by-laws providing for the issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not exceeding $ in the whole and not less than $100 in any instance as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province the Dominion of Canada or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Power to raise money on debentures.

2. The corporation of the said town may, for the purposes in section 4 hereof mentioned, raise money by way of loan on the said debentures in this Province, in the Dominion of Canada or in Great, Britain or elsewhere or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than thirty years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon and such interest shall be payable half yearly on the first days of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto and such debentures may bear interest at any rate not exceeding five per cent per annum.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Tilsonburg and in no other manner and for no other purpose whatsoever and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

5. For the payment of the debentures to be issued under this Act the said corporation shall levy, in addition to all other rates to be levied in each year a special rate per annum which shall be sufficient to pay the interest on the said debentures and to form a sinking fund sufficient, with the estimated interest on the investment thereof, to pay the principal of the said debentures when due, and it shall not be necessary for the said corporation to enforce the collection of the sinking fund required to be levied under the original by-laws authorizing the debentures hereby consolidated.

Power to call in outstanding debentures.

6. The treasurer of the said town shall on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent, substitute therefore the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Investment of sinking fund.

7. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the debentures issued under the authority of this Act or in government securities, municipal debentures, or on first mortgages on real estate and being a first lien on such real estate but not to any greater

extent than two thirds of the assessed value of such real estate or in any other securities authorized by any act or acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council; or said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada that may be approved of by the council from time to time.

By-laws not to be repealed until debt paid.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid aud satisfied.

Assent of electors not required.

9. It shall not be necessary to obtain the assent of the electors of the town of Tilsonburg to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any amending Acts.

Treasurer to keep book of account.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the council of the said corporation, to pr cure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured and the times at which said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the sinking fund; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Form of debentures and by-law.

11. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest and to form a sinking fund may be in the form of schedule "B" of this Act.

Inconsistent enactments not to apply.

12. Any provision in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or

illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest on any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Indebtedness of corporation not discharged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Tilsonburg from any indebtedness or liability which may not be included in the said debt of the town of Tilsonburg hereby authorized to be consolidated.

Short title.

14. This Act may be citied as "The Tilsonburg Debenture Act 1893."

SCHEDULE "A."

(*Section 12.*)

Province of Ontario.

TOWN OF TILSONBURG CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of an "Act to consolidate the Debt of the Town of Tilsonburg" passed in the year of Her Majesty's reign and chaptered the Corporation of the Town of Tilsonburg in the County of Oxford promise to pay the bearer at the sum of on the day of one thousand hundred and , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Tilsonburg this day of A.D.

[L.S.] *A.B.*, Mayor.

C.D., Treasurer.

SCHEDULE "B."

(*Section 12.*)

By-law No. to authorize the issue of debentures under the authority of an "Act to consolidate the Debt of the Town of Tilsonburg," passed in the year of Her Majesty's reign chaptered and the levying of a special rate for the payment of the said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $90,000 in the whole, as the said corporation of the town of Tilsonburg may direct;

And whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of $ to be raised annually for the said interest and sinking fund;

And whereas the amount of the whole ratable property of the town of Tilsonburg, according to the last revised assessment roll for the said town, being for the year one thousand hundred and , was $.

Therefore the municipal corporation of the town of Tilsonburg enacts as follows:—

1. Debentures under the said Act and for the purposes therein mentioned, to be known as Consolidated Debt Debentures, to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per cent per annum, payable yearly on the day of in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of shall, over and above and in addition to all other sums or rates, be raised, levied and collected in each year, upon all ratable property in the said town of Tilsonburg during the continuance of the debentures or any of them.

This by-law passed, in open council, this day of in the year of our Lord one thousand hundred and

No. 21.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate the Debt of the Town of Tilsonburg.

First Reading, 1893.

(Private Bill.)

Mr. McKay, (*Oxford.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 21.] BILL. [1893.

An Act to consolidate the Debt of the Town of Tilsonburg.

Preamble

WHEREAS the corporation of the town of Tilsonburg in the county of Oxford have by their petition represented that they have incurred debts and liabilities for the purpose of fire protection, aiding railways and manufactories, building a high school and other public improvements to the extent of $52,861, (exclusive of a debt for public school buildings) for which debentures have from time to time been issued under the authority of various by-laws; and whereas $11,761, of such debentures have been paid as they respectively became due, but there remains a balance of $41,100 still unpaid, *the debentures representing which amount are particularly set forth in Schedule C hereto;* and whereas the payment of the said outstanding debentures as they fall due, will be unduly oppressive to the ratepayers of the said corporation; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by debenture as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Issue of debentures for authorized.

1. It shall and may be lawful for the said corporation of the town of Tilsonburg, from time to time, to pass by-laws providing for the issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not exceeding *$40,800* in the whole and not less than $100 in any instance as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province the Dominion of Canada or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Power to raise money on debentures.

2. The corporation of the said town may, for the purposes in section 4 hereof mentioned, raise money by way of loan on the said debentures in this Province, in the Dominion of Canada or in Great, Britain or elsewhere or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than thirty years from the *1st day of December, 1893*, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon and such interest shall be payable half yearly on the first days of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto and such debentures may bear interest at any rate not exceeding five per cent per annum.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Tilsonburg *set forth in the said Schedule C hereto*, and in no other manner and for no other purpose whatsoever and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

5. For the payment of the debentures to be issued under this Act the said corporation shall levy, in addition to all other rates to be levied in each year a special rate per annum which shall be sufficient to pay the interest on the said debentures, and to form a sinking fund sufficient, with the estimated interest on the investment thereof, to pay the principal of the said debentures when due, and it shall not be necessary for the said corporation to enforce the collection of the sinking fund required to be levied under the original by-laws authorizing the debentures hereby consolidated.

Power to call in outstanding debentures.

6. The treasurer of the said town shall on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent, substitute therefore the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Investment of sinking fund.

7. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the debentures issued under the authority of this Act or in government securities, municipal debentures, or on first mortgages on real estate and being a first lien on such real estate but not to any greater extent than two thirds of the assessed value of such real estate or in any other securities authorized by any act or acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council; or said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada that may be approved of by the council from time to time.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid aud satisfied. By-laws not to be repealed until debt paid.

9. It shall not be necessary to obtain the assent of the electors of the town of Tilsonburg to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any amending Acts. Assent of electors not required.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the council of the said corporation, to prccure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured and the times at which said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application *or investments* which shall from time to time be made of the sinking fund; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any cf the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures. Treasurer to keep book of account.

11. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest and to form a sinking fund may be in the form of schedule "B" of this Act. Form of debentures and by-law.

12. Any provision in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest on any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof. Inconsistent enactments not to apply.

Indebtedness of corporation not discharged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Tilsonburg from any indebtedness or liability which may not be included in the said debt of the town of Tilsonburg hereby authorized to be consolidated.

Short title.

14. This Act may be citied as "The Tilsonburg Debenture Act 1893."

SCHEDULE "A."

(*Section 12.*)

Province of Ontario.

TOWN OF TILSONBURG CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of an "Act to consolidate the Debt of the Town of Tilsonburg" passed in the year of Her Majesty's reign and chaptered the Corporation of the Town of Tilsonburg in the County of Oxford promise to pay the bearer at the sum of on the day of one thousand hundred and , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Tilsonburg this day of A.D.

[L.S.] *A.B.*, Mayor.

C.D., Treasurer.

SCHEDULE "B."

(*Section 12.*)

By-law No. to authorize the issue of debentures under the authority of an "Act to consolidate the Debt of the Town of Tilsonburg," passed in the year of Her Majesty's reign chaptered and the levying of a special rate for the payment of the said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $90,000 in the whole, as the said corporation of the town of Tilsonburg may direct;

And whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling

due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of $ to be raised annually for the said interest and sinking fund;

And whereas the amount of the whole ratable property of the town of Tilsonburg, according to the last revised assessment roll for the said town, being for the year one thousand hundred and , was $.

Therefore the municipal corporation of the town of Tilsonburg enacts as follows:—

1. Debentures under the said Act and for the purposes therein mentioned, to be known as Consolidated Debt Debentures, to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per cent per annum, payable yearly on the day of in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of shall, over and above and in addition to all other sums or rates, be raised, levied and collected in each year, upon all ratable property in the said town of Tilsonburg during the continuance of the debentures or any of them.

This by-law passed, in open council, this day of in the year of our Lord one thousand hundred and

SCHEDULE "C."

No. of By-law.	Purpose.	Amount.	Date of maturing.
35	Debentures in aid of the Brantford, Norfolk and Port Burwell Railway Company	$7,600 00	1st Jan., 1894.
37	Debentures, Waterworks' balance of $13,000	3,000 00	1st July, 1894.
71	Debentures, Waterworks additional	6,000 00	1st July, 1897.
81	Debentures Great Western Railway	3,000 00	1st Jan., 1899.
176	Debentures to aid in erection of oatmeal mill	5,000 00	31st Dec., 1906.
190	Debentures to aid in erection of stove manufactory	5,000 00	1st July, 1908.
282	Debentures to build a high school..	7,500 00	31st Dec., 1912.
289	Debentures for permanent improvements	4,000 00	31st Dec., 1912.
		$41,100 00	

No. 21.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate the Debt of the Town of Tilsonburg.

First Reading, 19th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. McKay, (*Oxford.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 22] **BILL.** [1893.

An Act to Consolidate certain Debentures of the City of Hamilton.

Preamble.

WHEREAS, by *The City of Hamilton Debentures Act of 1883*, passed by the Legislature of Ontario, the corporation of the city of Hamilton were authorized to issue debentures to the amount of $2,000,000 for the purpose of redeeming the outstanding debentures of said city issued under *The City of Hamilton Debentures Act, 1864*; and an Act of said Legislature passed in the 54th year of Her Majesty's reign intituled *An Act to enable the Corporation of the City of Hamilton to issue certain debentures and for other purposes*, the said corporation were authorized to issue debentures to the amount of two hundred and fifty-six thousand dollars to pay off the floating debt of the said corporation; and whereas no debentures have been issued under the first recited Act, and debentures to the amount of two hundred and fifty-six thousand dollars have been issued under the last recited Act and have been hypothecated with the Bank of Hamilton as a security for a loan to pay off said floating debt, and the said corporation are desirous of consolidating the said issues of debentures and of extending the payment thereof over a period of forty years, and have by their petition represented that for the purposes aforesaid it will be necessary to issue debentures to the amount of two million and five hundred thousand dollars; and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures to $2,500,000 authorized.

1. The said corporation of the city of Hamilton may issue debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding two million and five hundred thousand dollars in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, or of the United States, or in gold, or partly in each, as the corporation may deem expedient.

Power to raise money on debentures.

2. The corporation of the said city may, for the purposes hereinafter mentioned, raise money by way of loan, on the said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not less than twenty nor more than forty years from the date thereof, as the said corporation may direct; coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of April and October in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per cent. per annum.

Application of proceeds of debentures.

4. The said debentures, and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the city of Hamilton, issued under *The City of Hamilton Debenture Act, 1864*, and of the debentures issued under the Act hereinbefore recited, intituled *An Act to enable the Corporation of the City of Hamilton to issue certain debentures and for other purposes*, and in no other manner and for no other purpose whatsoever, except that if any surplus shall remain after redeeming such outstanding debentures and paying all expenses connected with the redemption thereof, such surplus may be applied for such purposes and in such manner as the council may by any by-law or by-laws direct.

54 V. c. 70.

Redemption of outstanding debentures.

5. The said corporation shall redeem the said outstanding debentures with the funds raised under this Act or may with the consent of the holders thereof substitute for the said debentures or any of them debentures authorized to be issued by this act, upon such terms as may be agreed on between the said corporation and the holders of such debentures.

Special rate.

6. For payment of the interest upon the debentures to be issued under this Act the said corporation shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay such interest and for payment of the principal a sinking fund of one per cent. per annum upon the debentures outstanding under this Act.

Investment of sinking fund.

55 V. c. 42.

7. The sinking fund levied under this Act shall be invested and dealt with in the manner provided by section 375 of *The Consolidated Municipal Act, 1892*, or in such manner as may be authorized by any acts of the Legislature of the Province of Ontario from time to time in force, but the said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund in the redemption of any debentures issued under the authority of this Act.

Form of debentures and by-laws.

8. The debentures issued under this Act may be in the form contained in the Schedule A to this Act, or to the like effect, and the by-law or by-laws for the special rate for payment of the interest and to form a sinking fund for the payment of the principal of said debentures, may be in the form of Schedule B to this Act, or to the like effect, or said debentures and by-laws may be in such other form as the council may adopt in accordance with the provisions of this Act.

Irregularities in form not to invalidate debentures.

9. No irregularity in the form either of the said debentures or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them, or any part thereof.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same. 55 V. c. 42.

Superseding former provisions in 27 and 28 V. c. 72, and 54 V. c. 70.

11. The provisions of *The City of Hamilton Debentures Act of 1864*, and of the Act hereinbefore recited, intituled *An Act to enable the corporation of the City of Hamilton to issue certain debentures and for other purposes*, shall be superseded by the provisions of this Act to the extent of so much of the now outstanding debentures issued under the said Acts respectively as may under this Act be from time to time exchanged or redeemed, as and when new debentures in lieu thereof shall from time to time be issued under this Act, and shall be substituted for or be used for redeeming the said outstanding debentures issued under the former Act, and the powers conferred by this Act shall supersede and take the place of the powers conferred by *The City of Hamilton Debentures Act of 1883*. 46 V. c. 34.

Power to impose additional charges on defaulters and remit same.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, by the fifteenth day of December in any year, or within two months thereafter, or if any taxes assessed on the assessable property of non-residents shall be in arrear for two months after the said fifteenth day of December in any year, every person so in arrear and his assessable property shall, after the expiration of the respective two months be held liable to pay to the corporation an addition of twenty-five per cent. to the said rate or rates so imposed, and the increased sum shall be so payable not as a penalty, but as liquidated damages for the delay; and the collector or collectors shall have the like powers for levying the said addition to the rate or rates as they had for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on

the ratepayer ; and it shall not be in the power of the council to remit such increased rate, and the remission of such increased rate shall be absolutely null and void, and the members of the council assenting thereto shall be severally liable to make good the same at the suit of any ratepayer or creditor who may elect to sue therefor, for the benefit of the corporation.

Debenture holders to have no lien on water works.

13. There shall be no special lien upon the water works of the city of Hamilton for or in respect of the said debentures or any of them, but the revenues to be derived from the said water works may be used and applied in such manner as the council of the city may from time to time deem fit.

Assessment of property detached from township of Barton and annexed to city.

14. The property in those portions of the township of Barton added to the city of Hamilton by the proclamation of the Lieut.-Governor of Ontario, dated on the second day of July, one thousand, eight hundred and ninety-one, shall be liable for a ratable proportion of fifty per cent. only of the amount of the debentures to be issued under this act, and the rates to be levied upon or in respect of such property for the payment of said debentures shall be estimated upon that basis.

Short title.

15. This Act may be cited as *The City of Hamilton Debentures Act of 1893.*

SCHEDULE "A."

(*Section 8.*)

Province of Ontario, city of Hamilton.

DEBENTURE.

Under and by virtue of *The City of Hamilton Debentures Act of 1893*, the corporation of the city of Hamilton promise to pay the bearer at the sum of on the day of one thousand, nine hundred and , and to pay the bearer the half yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Hamilton, Ontario, this day of A. D. 18 .

[L. S.]

A. B., MAYOR.

C. D., Treasurer.

SCHEDULE "B."

(Section 8.)

By-law to authorize the issue of debentures under the authority of *The City of Hamilton Debentures Act of 1893*, and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $2,350,000 in the whole, as the corporation of the city of Hamilton may direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of with interest thereon at the rate of per cent. per annum, payable half yearly, according to the coupons to the said debentures attached.

And whereas the said Act requires that for the payment of the interest upon the debentures to be issued under it, this corporation shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay such interest and for the payment of the principal, a sinking fund of one per cent. per annum upon the debentures outstanding under the said Act.

And whereas the amount of the whole ratable property of the city of Hamilton, according to the last revised assessment roll of the said city, being for the year one thousand, eight hundred and is

Therefore the municipal council of the city of Hamilton hereby enacts as follows:

1. Debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest, at the rate of per cent. per annum, payable half yearly, on the first days of April and October in each year.

3. For payment of the interest upon the debentures to be issued under this by-law, the corporation of the city of Hamilton shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay the interest at the rate of per cent. per annum upon all of such debentures as may from time to time be outstanding and unpaid, and for payment of the principal of such debentures this corporation shall levy in each year a sinking fund of one per cent. upon the principal sum, payable upon such of said debentures as may from time to time be outstanding and unpaid.

Passed this day of in the year of our Lord one thousand, eight hundred and ninety

No. 22.

3rd Session, 7th Legislature, 56 Vict, 1893.

BILL.

An Act to Consolidate certain Debentures of the City of Hamilton.

First Reading, , 1893.

(Private Bill.)

Mr. GIBSON.
(*Hamilton.*)

TORONTO:
PRINTED BY LUD. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 22] **BILL.** [1893.

An Act to consolidate certain Debentures of the City of Hamilton.

Preamble. WHEREAS, by *The City of Hamilton Debentures Act of 1883*, passed by the Legislature of Ontario, the corporation of the city of Hamilton were authorized to issue debentures to the amount of $2,000,000 for the purpose of redeeming the outstanding debentures of said city issued under *The City of Hamilton Debentures Act, 1864*; and *by* an Act of said Legislature passed in the 54th year of Her Majesty's reign intituled *An Act to enable the Corporation of the City of Hamilton to issue certain debentures and for other purposes*, the said corporation were authorized to issue debentures to the amount of two hundred and fifty-six thousand dollars to pay off the floating debt of the said corporation; and whereas no debentures have been issued under the first recited Act, and debentures to the amount of two hundred and fifty-six thousand dollars have been issued under the last recited Act and have been hypothecated with the Bank of Hamilton as a security for a loan to pay off said floating debt, and the said corporation are desirous of consolidating the said issues of debentures and of extending the payment thereof over a period of forty years, and have by their petition represented that for the purposes aforesaid it will be necessary to issue debentures to the amount of two million and *three hundred and fifty* thousand dollars; and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures to $2,350,000 authorized. 1. The said corporation of the city of Hamilton may issue debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding two million *three hundred and fifty* thousand dollars in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, or of the United States, or in gold, or partly in each, as the corporation may deem expedient.

Power to raise money on debentures.

2. The corporation of the said city may, for the purposes hereinafter mentioned, raise money by way of loan, on the said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not less than twenty nor more than forty years from the date thereof, as the said corporation may direct; coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of April and October in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per cent. per annum.

Application of proceeds of debentures.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the now outstanding debentures of the city of Hamilton, issued under *The City of Hamilton Debentures Act, 1864*, and of the debentures issued under the Act hereinbefore recited, intituled *An Act to enable the Corporation of the City of Hamilton to issue certain debentures and for other purposes*, and in no other manner and for no other purpose whatsoever, except that if any surplus shall remain after outstanding debentures and paying all expenses connected with the redemption thereof, such surplus may be applied for such purposes and in such manner as the council may by any by-law or by-laws direct.

54 V. c. 70.

Redemption of outstanding debentures.

5. The said corporation shall redeem the said outstanding debentures with the funds raised under this Act or may with the consent of the holders thereof substitute for the said debentures or any of them debentures authorized to be issued by this act, upon such terms as may be agreed on between the said corporation and the holders of such debentures.

Special rate.

6. For payment of the interest upon the debentures to be issued under this Act the said corporation shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay such interest and for payment of the principal a sinking fund of one per cent. per annum upon the debentures outstanding under this Act.

Investment of sinking fund.

7. The sinking fund levied under this Act shall be invested and dealt with in the manner provided by section 375 of *The Consolidated Municipal Act, 1892*, or in such manner as may be authorized by any acts of the Legislature of the Province of Ontario from time to time in force, but the said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund in the redemption of any debentures issued under the authority of this Act.

55 V. c. 42.

8. The debentures issued under this Act may be in the form contained in the Schedule A to this Act, or to the like effect, and the by-law or by-laws for the special rate for payment of the interest and to form a sinking fund for the payment of the principal of said debentures, may be in the form of Schedule B to this Act, or to the like effect, or said debentures and by-laws may be in such other form as the council may adopt in accordance with the provisions of this Act. Form of debentures and by-laws.

9. No irregularity in the form either of the said debentures or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them, or any part thereof. Irregularities in form not to invalidate debentures.

10. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same. Assent of electors not required. 55 V. c. 42.

11. The provisions of *The City of Hamilton Debentures Act 1864*, and of the Act hereinbefore recited, intituled *An Act to enable the corporation of the City of Hamilton to issue certain debentures and for other purposes*, shall be superseded by the provisions of this Act to the extent of so much of the now outstanding debentures issued under the said Acts respectively as may under this Act be from time to time exchanged or redeemed, as and when new debentures in lieu thereof shall from time to time be issued under this Act, and shall be substituted for or be used for redeeming the said outstanding debentures issued under the former Act, and the powers conferred by this Act shall supersede and take the place of the powers conferred by *The City of Hamilton Debentures Act of 1883*. Superseding former provisions in 27 and 28 V. c. 72, and 54 V. c. 70. 46 V. c. 34.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, by the fifteenth day of December in any year, or within two months thereafter, or if any taxes assessed on the assessable property of non-residents shall be in arrear for two months after the said fifteenth day of December in any year, every person so in arrear and his assessable property shall, after the expiration of the respective two months be held liable to pay to the corporation an addition of twenty-five per cent. to the said rate or rates so imposed, and the increased sum shall be so payable not as a penalty, but as liquidated damages for the delay; and the collector or collectors shall have the like powers for levying the said addition to the rate or rates as they had for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on Power to impose additional charges on defaulters and remit same.

the ratepayer; and it shall not be in the power of the council to remit such increased rate, and the remission of such increased rate shall be absolutely null and void, and the members of the council assenting thereto shall be severally liable to make good the same at the suit of any ratepayer or creditor who may elect to sue therefor, for the benefit of the corporation.

Debenture holders to have no lien on water works.

13. There shall be no special lien upon the water works of the city of Hamilton for or in respect of the said debentures or any of them, but the revenues to be derived from the said water works may be used and applied in such manner as the council of the city may from time to time deem fit.

Assessment of property detached from township of Barton and annexed to city.

14. The property in those portions of the township of Barton added to the city of Hamilton by the proclamation of the Lieutenant-Governor of Ontario, dated on the second day of July, one thousand, eight hundred and ninety-one, shall be liable for a ratable proportion of *forty-five* per cent. only of the amount of the debentures to be issued under this act, and the rates to be levied upon or in respect of such property for the payment of said debentures shall be estimated upon that basis.

Short title.

15. This Act may be cited as *The City of Hamilton Debentures Act of 1893.*

SCHEDULE "A."

(*Section 8.*)

Province of Ontario, city of Hamilton.

DEBENTURE.

Under and by virtue of *The City of Hamilton Debentures Act of 1893*, the corporation of the city of Hamilton promise to pay the bearer at the sum of on the day of one thousand, nine hundred and , and to pay the bearer the half yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Hamilton, Ontario, this day of A. D. 18 .

[L. S.]

A. B., MAYOR

C. D., Treasurer.

SCHEDULE "B."

(Section 8.)

By-law to authorize the issue of debentures under the authority of *The City of Hamilton Debentures Act of 1893*, and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $2,350,000 in the whole, as the corporation of the city of Hamilton may direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of with interest thereon at the rate of per cent. per annum, payable half yearly, according to the coupons to the said debentures attached.

And whereas the said Act requires that for the payment of the interest upon the debentures to be issued under it, this corporation shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay such interest and for the payment of the principal, a sinking fund of one per cent. per annum upon the debentures outstanding under the said Act.

And whereas the amount of the whole ratable property of the city of Hamilton, according to the last revised assessment roll of the said city, being for the year one thousand, eight hundred and is

Therefore the municipal council of the city of Hamilton hereby enacts as follows:

1. Debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest, at the rate of per cent. per annum, payable half yearly, on the first days of April and October in each year.

3. For payment of the interest upon the debentures to be issued under this by-law, the corporation of the city of Hamilton shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay the interest at the rate of per cent. per annum upon all of such debentures as may from time to time be outstanding and unpaid, and for payment of the principal of such debentures this corporation shall levy in each year a sinking fund of one per cent. upon the principal sum, payable upon such of said debentures as may from time to time be outstanding and unpaid.

Passed this day of in the year of our Lord one thousand, eight hundred and ninety

No. 22.

3rd Session, 7th Legislature, 56 Vict, 1893.

BILL.

An Act to Consolidate certain Debentures of the City of Hamilton.

First Reading, 14th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. GIBSON.
(*Hamilton.*)

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 22] **BILL.** [1893.

An Act to consolidate certain Debentures of the City of Hamilton.

Preamble.

WHEREAS, by *The City of Hamilton Debentures Act of 1883*, passed by the Legislature of Ontario, the corporation of the city of Hamilton were authorized to issue debentures to the amount of $2,000,000 for the purpose of redeeming the outstanding debentures of said city issued under *The City of Hamilton Debentures Act, 1864*; and by an Act of said Legislature passed in the 54th year of Her Majesty's reign intituled *An Act to enable the Corporation of the City of Hamilton to issue certain debentures and for other purposes*, the said corporation were authorized to issue debentures to the amount of $256,000 to pay off the floating debt of the said corporation; and whereas no debentures have been issued under the first recited Act, and debentures to the amount of $256,000 have been issued under the last recited Act and have been hypothecated with the Bank of Hamilton as a security for a loan to pay off said floating debt, and the said corporation are desirous of consolidating the said issues of debentures and of extending the payment thereof over a period of forty years, and have by their petition represented that for the purposes aforesaid it will be necessary to issue debentures to the amount of $2,350,000; and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures to $2,350,000 authorized.

1. The said corporation of the city of Hamilton may issue debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding $2,350,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, or of the United States, or in gold, or partly in each, as the corporation may deem expedient.

Power to raise money on debentures.

2. The corporation of the said city may, for the purposes hereinafter mentioned, raise money by way of loan, on the

said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not less than twenty years from the date thereof, and not later than the first day of April, 1934, as the said corporation may direct; coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the first day of the months of April and October in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per cent. per annum.

Application of proceeds of debentures.

4. The said debentures, and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the city of Hamilton, issued under *The City of Hamilton Debentures Act, 1864*, and of the debentures issued under the Act hereinbefore recited, intituled *An Act to enable the Corporation of the City of Hamilton to issue certain debentures and for other purposes*, and in no other manner and for no other purpose whatsoever, except that if any surplus shall remain after *redeeming such* outstanding debentures and paying all expenses connected with the redemption thereof, such surplus may be applied for such purposes and in such manner as the council may by any by-law or by-laws direct.

54 V. c. 70.

Redemption of outstanding debentures.

5. The said corporation shall redeem the said outstanding debentures with the funds raised under this Act or may with the consent of the holders thereof substitute for the said debentures or any of them debentures authorized to be issued by this Act, upon such terms as may be agreed on between the said corporation and the holders of such debentures.

Special rate.

6. For payment of the interest upon the debentures to be issued under this Act the said corporation shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay such interest and for payment of the principal a sinking fund of one per cent. per annum upon the debentures outstanding under this Act.

Investment of sinking fund.

7. The sinking fund levied under this Act shall be invested and dealt with in the manner provided by section 375 of *The Consolidated Municipal Act, 1892*, or in such manner as may be authorized by any Acts of the Legislature of the Province of Ontario from time to time in force, but the said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund in the redemption of any debentures issued under the authority of this Act.

55 V. c. 42.

8. The debentures issued under this Act may be in the form contained in the Schedule A to this Act, or to the like effect, and the by-law or by-laws for the special rate for payment of the interest and to form a sinking fund for the payment of the principal of said debentures, may be in the form of Schedule B to this Act, or to the like effect, or said debentures and by-laws may be in such other form as the council may adopt in accordance with the provisions of this Act. Form of debentures and by-laws.

9. No irregularity in the form either of the said debentures or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them, or any part thereof. Irregularities in form not to invalidate debentures.

10. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same. Assent of electors not required. 55 V. c. 42.

11. The provisions of *The City of Hamilton Debentures Act 1864*, and of the Act hereinbefore recited, intituled *An Act to enable the corporation of the City of Hamilton to issue certain debentures and for other purposes*, shall be superseded by the provisions of this Act to the extent of so much of the now outstanding debentures issued under the said Acts respectively as may under this Act be from time to time exchanged or redeemed, as and when new debentures in lieu thereof shall from time to time be issued under this Act, and shall be substituted for or be used for redeeming the said outstanding debentures issued under the former Act, and the powers conferred by this Act shall supersede and take the place of the powers conferred by *The City of Hamilton Debentures Act of 1883*. Superseding former provisions in 27 and 28 V. c. 72, and 54 V. c. 70. 46 V. c. 34.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, by the 15th day of December in any year, or within two months thereafter, or if any taxes assessed on the assessable property of non-residents shall be in arrear for two months after the said 15th day of December in any year, every person so in arrear and his assessable property shall, after the expiration of the respective two months be held liable to pay to the corporation an addition of twenty-five per cent. to the said rate or rates so imposed, and the increased sum shall be so payable not as a penalty, but as liquidated damages for the delay; and the collector or collectors shall have the like powers for levying the said addition to the rate or rates as they had for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on Power to impose additional charges on defaulters and remit same.

the ratepayer; and it shall not be in the power of the council to remit such increased rate, and the remission of such increased rate shall be absolutely null and void, and the members of the council assenting thereto shall be severally liable to make good the same at the suit of any ratepayer or creditor who may elect to sue therefor, for the benefit of the corporation.

Debenture holders to have no lien on water works.

13. There shall be no special lien upon the water works of the city of Hamilton for or in respect of the said debentures or any of them, but the revenues to be derived from the said water works may be used and applied in such manner as the council of the city may from time to time deem fit.

Assessment of property detached from township of Barton and annexed to city.

14. The property in those portions of the township of Barton added to the city of Hamilton by the proclamation of the Lieutenant-Governor of Ontario, dated on the second day of July, 1891, shall be liable for a ratable proportion of forty-five per cent. only of the amount of the debentures to be issued under this Act, and the rates to be levied upon or in respect of such property for the payment of said debentures shall be estimated upon that basis.

Short title.

15. This Act may be cited as *The City of Hamilton Debentures Act of 1893*.

SCHEDULE "A."

(*Section 8.*)

Province of Ontario, city of Hamilton.

DEBENTURE.

Under and by virtue of *The City of Hamilton Debentures Act of 1893*, the corporation of the city of Hamilton promise to pay the bearer at the sum of on the day of one thousand, nine hundred and , and to pay the bearer the half yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Hamilton, Ontario, this day of A. D. 18

[L. S.]

A. B., MAYOR

C. D., Treasurer.

SCHEDULE "B."

(*Section 8.*)

By-law to authorize the issue of debentures under the authority of *The City of Hamilton Debentures Act of 1893*, and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $2,350,000 in the whole, as the corporation of the city of Hamilton may direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of with interest thereon at the rate of per cent. per annum, payable half yearly, according to the coupons to the said debentures attached

And whereas the said Act requires that for the payment of the interest upon the debentures to be issued under it, this corporation shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay such interest and for the payment of the principal, a sinking fund of one per cent. per annum upon the debentures outstanding under the said Act.

And whereas the amount of the whole ratable property of the city of Hamilton, according to the last revised assessment roll of the said city, being for the year one thousand, eight hundred and is

Therefore the municipal council of the city of Hamilton hereby enacts as follows:

1. Debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued, payable on the day of bearing interest at per cent. per annum.

2. The said debentures shall have coupons thereto attached for the payment of the interest, at the rate of per cent. per annum, payable half yearly, on the first days of April and October in each year.

3. For payment of the interest upon the debentures to be issued under this by-law, the corporation of the city of Hamilton shall levy such annual sum over and above all other rates to be levied in each year as shall be sufficient to pay the interest at the rate of per cent. per annum upon all of such debentures as may from time to time be outstanding and unpaid, and for payment of the principal of such debentures this corporation shall levy in each year a sinking fund of one per cent. upon the principal sum payable upon such of said debentures as may from time to time be outstanding and unpaid.

Passed this day of in the year of our Lord one thousand, eight hundred and ninety

No. 22.

3rd Session, 7th Legislature, 56 Vict, 1893.

BILL.

An Act to Consolidate certain Debentures of the City of Hamilton.

First Reading, 14th April, 1893.
Second " 28th " 1893.

(*Reprinted as amended by Committee of the Whole House.*)

Mr. Gibson.
(*Hamilton.*)

TORONTO:
Printed by L. K. Cameron
Printer to the Queen's Most Excellent Majesty.

No. 23.] **BILL.** [1893.

An Act to amend an Act respecting the Township of Harvey in the County of Peterborough.

Preamble.

WHEREAS the Act passed in the 42nd year of Her Majesty's reign, chaptered 47 was amended by an Act passed in the 55th year of Her Majesty's reign, chaptered 73 by providing that certain bridges therein named should be maintained by the counties of Peterborough and Victoria in such proportions as may be agreed upon, and in case of disagreement in such proportions as arbitrators, as therein provided, should determine; and whereas the said counties of Peterborough and Victoria have mutually agreed upon the proportions of such maintenance to be respectively paid by them and mutually desire to further amend said Acts, and have by their petitions prayed that an Act may be passed for the said purpose; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 V., c. 47 amended.

1. The Act passed in the 42nd year of Her Majesty's reign, chaptered 47 as amended by the Act passed in the 55th year of Her Majesty's reign, chaptered 73 is amended by adding thereto the following as section 7 thereof.

Abandonment of Pigeon Creek Floating Bridge.

7. The corporation of the county of Peterborough shall have the right at any time after the passing of this Act to pass a by-law to abandon and stop up the bridge in the township of Emily known as the Pigeon Creek Floating Bridge and that from and after the passing of any such by-law the county of Peterborough and the county of Victoria shall thereafter no longer be liable to maintain and repair nor to contribute to the maintenance and repair of the said Pigeon Creek Floating Bridge.

No. 23.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend an Act respecting the township of Harvey in the county of Peterborough.

First Reading, 1893.

(Private Bill.)

Mr. STRATTON.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 24.] BILL. [1893.

An Act respecting the Floating Debt of the City of Guelph.

Preamble.

WHEREAS the corporation of the city of Guelph have by their petition represented that they have incurred debts and liabilities to the amount of $40,000, exclusive of the existing indebtedness of the said city, and that it is desirable for the said city to pay the said debt by issuing debentures for a sum sufficient to pay the said debt in thirty years, the time to be computed from the first day of May, 1893; and have prayed that an Act may be passed to authorize the issue of the said debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for $40,000 authorized.

1. It shall be lawful for the said corporation of the said city of Guelph to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the Mayor and countersigned by the Treasurer for the time being, for such sums of not less than $100 each and not exceeding in the whole the sum of $40,000, as the said council of the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this province or Great Britain or elsewhere.

Power to raise money on debentures.

2. The corporation of the said city may for the purpose aforesaid, raise money by the sale of the said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in thirty years from the said 1st day of May, 1893; coupons shall be attached to the said debentures for the payment of the interest thereon from the date of their issue, payable half yearly, on the 30th day of June and 31st day of December, in each year, and it shall not be necessary to procure the assent of the ratepayers or electors to the said by-laws to be passed authorizing the issue of such debentures.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation towards the payment only of the now existing unprovided for debt of the

said city of Guelph and in no other manner and for no other purpose, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Special rate.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to pay the said interest and also to form a sinking fund, which compounded half yearly at five per cent. will be sufficient to pay such principal money ; the said rate in respect of the said interest shall be levied, commencing with the year 1893, in which the interest shall be payable and continued in each of the next succeeding years to and including the year in which the last payment of interest shall be payable and the special rate in respect of the said sinking fund shall be commenced in the year 1894 and continued in each of the next succeeding years until the said principal shall be fully paid.

No. 24.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Floating Debt of the City of Guelph

First Reading, 1893.

(Private Bill.)

Mr. GUTHRIE.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 24.] BILL. [1893.

An Act respecting the floating debt of the City of Guelph.

Preamble.

WHEREAS the corporation of the city of Guelph have by their petition represented that they have incurred debts and liabilities to the amount of $40,000, exclusive of the existing indebtedness of the said city, ☞ and mainly arising from a deficiency in the issue of consolidated debentures, necessary expenditure in the extension of waterworks and the necessary construction of new iron bridges and improvements on city property ☜ and that it is desirable for the said city to pay the said debt by issuing debentures for a sum sufficient to pay the said debt in thirty years, the time to be computed from the first day of May, 1893; and have prayed that an Act may be passed to authorize the issue of the said debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for $40,000 authorized.

1. It shall be lawful for the corporation of the said city of Guelph to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer for the time being, for such sums of not less than $100 each and not exceeding in the whole the sum of $40,000, as the said council of the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this province or Great Britain or elsewhere.

Power to raise money on debentures.

2. The corporation of the said city may for the purpose aforesaid, raise money by the sale of the said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in thirty years from the said 1st day of May, 1893; coupons shall be attached to the said debentures for the payment of the interest thereon from the date of their issue, payable half yearly, on the 30th day of June and 31st day of December, in each year, and it shall not be necessary to procure the assent of the ratepayers or electors to the said by-laws to be passed authorizing the issue of such debentures.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation towards the payment only of the now existing unprovided for debt of the said city of Guelph and in no other manner and for no other purpose; and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Special rate.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to pay the said interest and also to form a sinking fund, which compounded half yearly at five per cent. will be sufficient to pay such principal money; the said rate in respect of the said interest shall be levied, commencing with the year 1893, in which the interest shall be payable and continued in each of the next succeeding years to and including the year in which the last payment of interest shall be payable and the special rate in respect of the said sinking fund shall be commenced in the year 1894 and continued in each of the next succeeding years until the said principal shall be fully paid.

No. 24.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the floating debt of the City of Guelph.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 25.] BILL. [1893.

An Act respecting certain agreements made between the village of Alvinston and the Grand Trunk Railway Company of Canada.

Preamble.

WHEREAS two certain agreements, dated the 2nd day of September, A. D. 1892, and the 30th day of September, A.D. 1892, were respectively entered into between the corporation of the village of Alvinston and the Grand Trunk Railway Company of Canada (which said agreements are set forth as schedules "A" and "B" to this Act) for the purposes therein set out; and whereas the parties thereto desire that the said agreements and by-laws of the said corporation of the village of Alvinston passed in pursuance thereof (which said by-law is set out as schedule "C" to this Act) shall be confirmed and given full effect to, and that the validity thereof should be placed beyond all doubt; and whereas the said parties respectively have by their petitions prayed that an Act may be passed confirming the said two agreements and by-law passed in pursuance thereof; and whereas it is expedient to grant the prayer of the said petitions.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements and by-law confirmed.

1. The two agreements set out in the schedules "A" and "B" to this Act, and the by-law set out in schedule "C" to this Act, are hereby confirmed and declared legal, valid and binding to all intents and for all purposes; and it shall be lawful for the corporation of the village of Alvinston to do any and all acts necessary to give full effect to the said agreements and by-law in all respects, and according to the spirit, true intent and meaning thereof.

SCHEDULE "A."

This agreement made this second day of September, A. D. 1892, by and between the corporation of the village of Alvinston, hereinafter called the Village, of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called the Company, of the second part.

Whereas the Company have decided to build a branch line of railway between Kingscourt, in the county of Lambton,

and Glencoe, in the county of Middlesex, and which has been located to pass through the village of Alvinston as shewn on the plan hereto attached ; and whereas the Village have decided to enter into this agreement for the purpose of securing a station on the said railway within the limits of the said village of Alvinston.

Therefore this agreement witnesseth that the said parties hereto have and they hereby do covenant, promise and agree each with the other in manner following, that is to say :

1. That the said Company shall at their own costs and charges provide the necessary right of way for said railway and such other lands as they may require in the village of Alvinston, and shall construct the said railway on the grades shewn by said plan, and shall construct and maintain the ramps on the several streets crossed by said railway so as to make the crossings on the level as shown by said plan.

2. That, as regards Railroad street north, the said Coympan shall assume all responsibility for any damages arising out of the construction of said railway to property situate on said street.

3. As regards all other streets in the village of Alvinston crossed by or affected by the construction of said railway in manner above provided, the village corporation agrees to pay for any damages caused to property thereon situate such sums as may be sufficient to satisfy such damages, but including costs and expenses not exceeding in the whole the sum of twelve hundred dollars, and the village shall not under any circumstances be responsible to the said Company or to any person or persons affected thereby for any sum beyond twelve hundred dollars, whether for damages, costs, charges, expenses or otherwise howsoever, and the said Company agree to indemnify the Village from and against all loss, damages, costs, charges and expenses which the Village may sustain, suffer or be put to in excess of the said sum of twelve hundred dollars. It is understood that the Company are not to pay or be liable for any costs and charges incurred up to this date.

4. The Company are to provide efficient means for carrying the water in the drains and ditches on the streets crossed by them through and under the grades or ramps so as to make them fully efficient for the village purposes.

5. That in buying the right of way the said Company agrees to settle with the parties from whom they buy any part of a lot for and to include in the purchase price any damage caused to the remaining portion of the lot or to buy out the whole lot as they may consider it best.

6. That the Company will provide a station and other necessary conveniences within the limits of the said village of Alvinston, the station to be erected and completed within six months after the opening of the line for traffic.

7. That the said Village agrees to fix the assessment of the Company's property within the limits of the said

village corporation at the sum of six thousand dollars for the next ten years, and on that amount only shall the Company be required to pay such rates as may be levied in each year during the said term of ten years, and that the Company shall not be called upon to pay nor shall the property of the Company be liable for any local improvement taxes during the said term.

8. The Village to assist in getting an Act of Parliament ratifying and confirming this agreement if the Company so desire it, the obtaining of said Act to be entirely at the expense of the Company.

9. And whereas the Village, the party to this agreement of the first part, are in doubt as to their powers to make this agreement, it is therefore understood and agreed by and between the parties that this agreement is to be binding only so far as the council of the corporation of the village of Alvinston has power to make it, unless and until legislation confirming this agreement is obtained, and that in the event of its being hereafter legally decided that the Village have not the power to make this agreement, they shall not be liable to the said Company for any of the damages sought to be covered by this agreement or of anything therein contained, and should the Village incur or be put to costs owing to this agreement being entered into or this agreement being held to be invalid then the Company shall indemnify the said Village against all loss, costs and expenses that it may suffer or be put to in respect of any such litigation. Provided that this clause is not to be taken as an admission on the part of the Company that the Village have not full power and authority to make this agreement, nor is it in any way to prejudice or effect the obtaining of any Act of Parliament to confirm or ratify the agreement as above provided, and the said Village hereby covenant to use every lawful means and possible means to aid the said Company in obtaining such an Act of Parliament, always at the expense of said Company, and this shall be done notwithstanding any action taken, if any such action is taken, to void this agreement, and in case of said Act being passed, this agreement shall be binding notwithstanding any such action.

As witness the corporate seals of the parties hereto.

Signed, sealed and delivered in the presence of
JAS. B. BARRIE.

THE CORPORATION OF THE VILLAGE OF ALVINSTON by
JOHN MOREWOOD,
(Seal) Reeve.
RICHARD CODE,
Clerk.

THE GRAND TRUNK RAILWAY COMPANY OF CANADA by
(Seal) L. J. SEARGEANT,
General Manager.

SCHEDULE "B."

This agreement made this 30th day of September, A. D. 1892, by and between the corporation of the village of Alvinston, hereinafter called the Village, of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called the Company, of the second part.

Whereas by an agreement heretofore made between the parties hereto, it was agreed that the said Company should put the Alvinston station and buildings in connection therewith required for the purposes of the Kingscourt and Glencoe loop-line railway within the limits of said village; and whereas it has been found that it would be most convenient to locate the said station premises in the neighborhood of Lorne street in said village, and that it would be in the interest of public safety to close up those portions of Lorne street and Henry street in the manner as shewn by the plan hereto attached; and whereas, also, the said Company desire the permission of the village to lay down on the streets of the said village the water pipes and plant required for the purpose of supplying water for the company's purposes in connection with their railway.

Therefore this agreement witnesseth that the parties hereto have and hereby do mutually covenant each with the other as follows:

1. That the village shall and will by passing the necessary by-law for that purpose close up against public travel and use that portion of Lorne street in said village described as follows:

Commencing at a point on the north side of Lorne street, a distance of two hundred and forty-six feet from the north-west corner of Lorne and Walnut streets, thence west along the north side of Lorne street a distance of three hundred and three feet, nine inches, thence south-easterly and parallel to the centre line of the Kingscourt and Glencoe loop-line railway, a distance of sixty feet to the south side of Lorne street, thence east along the south side of Lorne street a distance of three hundred and three feet and nine inches, thence north-westerly a distance of sixty feet to the place of beginning; and will also close up against public travel and use that portion of Henry street in said village described as follows: Commencing at the south-east corner of Henry and Lorne streets, thence southerly a distance of eighty-five feet along the west side of Henry street, thence south-easterly and parallel to the centre line of the Kingscourt and Glencoe loop line railway a distance of eighty-four feet to a point on the east side of Henry street a distance of one hundred and fifty-nine feet, thence west fifty feet to the place of beginning; and will also establish for a public highway to be used in lieu of the part of said Henry street closed up and stopped against public travel and use as aforesaid, that strip of land fifty feet in width measured at right angles from the easterly limit of the lands bought by the said company for station grounds, and

parallel thereto across lots four, three, two on the west side of Henry street in Coad's subdivision of lot thirty-five in Lovell's survey of part of the village of Alvinston, on the same being provided by the said Company at their own costs and charges. The said lands, part of Lorne and Henry streets and a proposed diversion of Henry street, being as shewn in red on the plan hereto attached, the passing of the said by-law to be done immediately after the execution hereof in order that the said railway company may proceed with the work of construction, and if the said The Grand Trunk Railway Company of Canada so desire it, the said Village will by a proper deed of conveyance convey the above described portions of Lorne and Henry streets, closed and stopped up as aforesaid, to the said Company on condition that the lands are to be used for railway purposes only.

2. And the said Village hereby grants permission to the said company to lay down and maintain their water pipes, plant and service on such streets of the said village of Alvinston as the said company may find it necessary, for the purpose of providing a supply of water for the use of their locomotive engines and other purposes, the company to leave the streets so used in as good repair as they find them

3. The company agree that should the village at any time hereafter while the said company are using the said water pipes, plant and service and operating the same, desire for the purpose of improving its fire protection to have the privilege of making connection with the company's mains and water service, they, the company, will grant the privilege on the following terms and conditions: That the cost of making such connection shall be at the sole charge and expense of the said village and shall be done under the superintendence of the mechanical superintendent of the company. That in case of fire the company will supply such water as at the time of the alarm given, may be in their power to furnish, but it is distinctly understood and agreed that the company do not guarantee to furnish any particular supply; that while the said Village are using any of the hydrants for the purpose of extinguishing fires, or while engaged in practicing, they shall pay to the company the sum of one dollar per hour while so used as aforesaid, the account to be paid within thirty days after it has been rendered. It is also agreed that the village shall not allow any private service to be taken off any their mains without the consent in writing of the mechanical superintendent.

In witness whereof the said parties have hereunto affixed their corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of E. Donald. (Seal) John Morewood, Reeve. Richard Code, Clerk.

The Grand Trunk Railway Company of Canada by (Seal) L. J. Seargeant, General Manager.

SCHEDULE "C."

(By-law No. 7.)

Whereas by the terms of a certain agreement made between the village of Alvinston and the Grand Trunk Railway Company of Canada, it has been mutually arranged under the provision of the powers contained in the Municipal Act and of the Railway Act of Canada, in the interest of public safety and convenience to close up against public travel and use that portion of Lorne street in the said village hereinafter more particularly described, and also to close up a portion of and divert Henry street and to establish a diversion thereof in the manner hereinafter described.

Therefore the council of the corporation of the village of Alvinston in pursuance of the powers vested in them by the Municipal Act and of the Railway Act of Canada, have and hereby do enact as follows:—

1. That portion of Lorne street in the said village described as follows: Commencing at a point on the north side of Lorne street a distance of two hundred and forty-six feet from the north-west corner of Lorne and Walnut streets, thence west along the north side of Lorne street a distance of three hundred and three feet and nine inches, thence south-easterly and parallel to the centre line of the Kingscourt and Glencoe loop-line railway a distance of sixty feet to the south side of Lorne street, thence east along the south side of Lorne street a distance of three hundred and three feet and nine inches, thence north-westerly a distance of sixty feet to the place of beginning, is hereby stopped up and closed against public traffic and use.

2. That all that portion of Henry street in the said village described as follows: Commencing at the southeast corner of Henry and Lorne streets, thence southerly a distance of eighty-five feet along the west side of Henry street, thence south easterly and parallel to the centre line of the Kingscourt and Glencoe loop line railway, a distance of eighty-four feet, to a point on the east side of Henry street, thence north along the east side of Henry street a distance of one hundred and fifty-nine feet, thence west fifty feet to the place of beginning, is hereby stopped up and closed against public travel and use.

3. That as and for a public street and highway aforesaid, and as a diversion of Henry street aforesaid and to be used in lieu of the part of Henry street closed up and stopped against public travel and use aforesaid, the Grand Trunk Railway Company of Canada at their own cost and charges are to provide a strip of land of fifty feet in width measured at right angles from the easterly limit of the lands bought by them for station grounds in said village and parallel thereto across lots four, three and two on the west side of Henry street

in Coad's subdivision of lot thirty-five in Lovell's survey of part of the village of Alvinston, and on the same being laid out and provided and constructed by the said company, it is hereby enacted that the same shall be used and established as a public highway in the said village.

4. That if the said The Grand Trunk Railway Company of Canada so desire it, the reeve of the municipality is hereby authorized and instructed for and on behalf of this corporation to execute and attach the seal of this corporation to a deed of conveyance of the above described portions of Lorne and Henry streets closed and stopped up as aforesaid, to the said company on condition that the lands are to be used for railway purposes only.

Passed the thirtieth day of September, A. D. 1892.

JOHN MOREWOOD,
(Seal) Reeve.
RICHARD CODE,
Clerk.

No. 25.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain agreements between the village of Alvinston and the Grand Trunk Railway Company of Canada.

First Reading, , 1893.

(Private Bill.)

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26.] **BILL.** [1893.

An Act respecting The School of Mining and Agriculture.

WHEREAS The School of Mining and Agriculture, a corporation incorporated under the *Act respecting Benevolent, Provident and other Societies*, for the establishment and maintenance of a school for the training and education of miners, prospectors, farmers, artisans, mechanics, workingmen and others, in which instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying, agriculture and related subjects, have by their petition represented, amongst other things, that they have established at the city of Kingston, a school for the purposes aforesaid, and that such school will result in substantial benefits to the eastern part of Ontario, and will conduce to the development of its mining and agricultural interests; and whereas with the view of increasing the efficiency and extending the usefulness of the said school, the said corporation desire to obtain certain additional powers in regard to the acquiring and holding of property for the purposes of the said corporation and in regard to obtaining municipal aid for the said school and to provide for the representation on the governing board thereof of municipalities granting such aid and to have confirmed and declared valid the incorporation of the said petitioners and for other purposes; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of The School of Mining and Agriculture, under the *Act respecting Benevolent, Provident and other Societies*, is hereby confirmed and declared to be valid, for the purposes mentioned, in its declaration of incorporation, a copy of which is set forth in the schedule to this Act. Incorporation confirmed.

2. The capital stock of the said corporation shall be the sum of $100,000 divided into 1,000 shares of $100 each. Capital stock.

3. Every person who subscribes to the capital or funds of the said corporation the sum of $100 shall thereby become and be a member or corporator thereof. Who to be members.

4. The said corporation shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, Power to acquire and hold property.

as may be necessary for the actual use and occupation of the said school, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed, or hereafter to be conveyed to the said corporation, and to accept and hold, within the limits hereinafter prescribed, for the benefit of the said school, any gifts devises or bequests of any property, real or personal, to sell and alienate any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said school, and to invest such moneys as they deem advisable upon such securities as to the said trustees shall seem meet: Provided that no gift or devise of any real estate or of any interest therein in favour of the said corporation shall be valid unless made by deed or will executed by the donor or testator, at least six months before his death; and provided always that the real estate not required for the use and occupation of the said school, or for the residences of the professors, tutors, students and officers thereof as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his heirs or devisees.

Proviso.

Proviso.

Board of Governors.

5. The said school shall continue to be under the management and administration of the board of Governors, constituted and provided for by its declaration of incorporation and the powers and duties of the said governors shall be those set forth in the said declaration.

Visitor.

6. The Lieutenant-Governor shall be the visitor of the school and it shall be the duty of the Board of Governors whenever called upon by him or by the Lieutenant-Governor in council to do so, to furnish full and accurate accounts in writing of the property of the school and the income derived therefrom and of the expenditure of all or any part of the funds of the corporation.

Municipalities may grant aid.

7. It shall be lawful for any municipal corporation in the Province, whenever and as often as it thinks fit, to grant aid by way of bonus or otherwise to the said school for its maintenance, support and advancement, subject to such terms and conditions as such municipality may think proper and the said school may grant representation on its Board of Governors to any municipality granting such aid on such terms as may be agreed upon.

8. The council of any municipality may, by a by-law passed in any year by a vote of two-thirds of the whole number of members thereof, grant aid by way of annuity to the said school to the extent of one thousand dollars a year for a period not exceeding ten years; and it shall not be necessary to submit such by-law to the ratepayers of such municipality for their assent.

SCHEDULE.

(*Section 1.*)

Declaration, pursuant to the Act of the Province of Ontario, Chapter 172 of the Revised Statutes of Ontario, 1887, for the incorporation of The School of Mining and Agriculture.

1. We, the undersigned J. B. Carruthers, William Harty, G. M. Macdonnell, D. Fraser, Geo. Y. Chown, Edward T. Steacy, J. B. McIver, D. M. McIntyre, George M. Grant, Isaac Wood, C. F. Gildersleeve, James Swift, M. H. Folger and John L. Whiting, do hereby declare that we have agreed and do hereby agree to be incorporated under the provisions of the said Act as a society or body politic and corporate by the corporate name of The School of Mining and Agriculture.

2. We further declare that the purposes of the said intended society or corporation are the following, that is to say: To establish and maintain a school for the training and education of students and more particularly of miners, prospectors, farmers, artisans, mechanics and workingmen, to whom instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying, in agriculture and related subjects, in veterinary science, in navigation, in civil, electrical and mechanical engineering and architecture, or any other departments of applied science.

3. The affairs of the corporation shall be managed by a board of twelve trustees or managing officers to be called governors to be elected by the associate members of the society, and the following persons shall be the first or provisional governors thereof, that is to say: J. B. Carruthers, C. F. Gildersleeve, Hiram A. Calvin, G. M. Grant, G. M. Macdonnell, James Swift,, William Harty, E. W. Rathbun, Henry Folger, John L. Whiting, George Y. Chown and James Haydon.

4. The members of the provisional board shall hold office until the first general meeting of associate members, when they shall all retire and an election of governors shall be held as hereinafter provided.

5. After the said first election four governors shall retire annually, but shall be eligible for re-election, and retirement shall always be in alphabetical rotation.

6. A meeting for the election of governors shall be held annually at the city of Kingston on such day in the month of April in each year as may be fixed from time to time by the board.

7. In case of a vacancy by death, resignation or assignment of membership, the board may fill the vacancy, the person so appointed to hold office for the remainder of the term of his predecessor.

8. The persons above named and every other person who agrees with the corporation or with any person as trustee for or on behalf of the corporation to pay a sum of not less than one hundred dollars to or for the use of the corporation, shall be an associate member thereof.

9. An associate member may, by writing either testamentary or otherwise attested by one or more subscribing witnesses, assign his membership, and if he has not done so his executors or administrators may by instrument in writing attested as aforesaid assign said membership to any other person, and upon such assignment being recorded in a book to be kept for that purpose and the instrument of assignment or a copy thereof or an extract of the part thereof expressing such assignment, certfied by any notary public or other official person, being deposited with the corporation, the assignee shall become and be a member in place of the assignor or deceased member.

10. The said school shall be established at the said city of Kingston.

11. The board of governors shall have power to appoint and to fix the number, duties, salaries and tenure of office of the professors, lecturers, tutors, masters, officers and agents of the school, and may from time to time remove any of them, and shall fix from time to time the fees to be paid by students or others for instruction or other privileges.

12. The board of governors shall have the control and management of the property and funds of the corporation, and shall have power to adopt, amend, repeal or vary from time to time, by-laws and regulations touching and concerning all or any of the matters aforesaid, as well as concerning the quorum, time and place of meetings of the board, and the election, retirement and duties of the members of the board, and all other matters which to them may seem necessary or proper for the well ordering and advancement of the school.

13. The board of governors shall elect one of their number chairman to preside at their meetings and to sign and affix the corporate seal to all proper instruments in writing on behalf of the corporation.

14. A meeting of associate members shall be called by the provisional board at the city of Kingston at some convenient time within six months after the proceedings for the incorporation of the said society required by law are complete for the election of a permanent board of governors in place of the provisional board, in which election the members of the provisional board shall be eligible.

(Sgd.) C. F. Gildersleeve.
J. B. Carruthers.
Wm. Harty.
G. M. Macdonnell.
D. Fraser.
Geo. Y. Chown.
Edw. T. Steacy.
J. B. McIver.
D. M. McIntyre.
Geo. M. Grant.
Isaac Wood.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of, The School of Mining and Agriculture.

I, George Milnes Macdonnell, of the city of Kingston, in the county of Frontenac and Province of Ontario, Solicitor, make oath and say—

1. That I was present and did see the several persons whose names are subscribed to the annexed declaration or incorporation duly sign the same, and the signatures thereto are of the proper handwriting of the said persons respectively.

Sworn before me at the city of Kingston, in the county of Frontenac, this 30th day of December, A.D. 1892.

(Sgd.) JOHN MUDIE,

A Commissioner, etc.

(Sgd.) G. M. MACDONNELLL.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of The School of Mining and Agriculture.

I, Cornelius Walleau Price, of the city of Kingston, in the county of Frontenac and Province of Ontario, judge of the county court of the county of Frontenac, do hereby certify that the within declaration has been produced to me and the same appears to be in conformity with the Act respecting Benevolent Provident and other Societies.

As witness my hand this 30th day of December, A.D. 1892.

(Sgd.) C. V. PRICE,
Judge County Frontenac.

I hereby certify that I have this day filed in the office of the Clerk of the Peace a copy of the declaration for the incorporation of The School of Mining and Agriculture.

(Sgd.) A. L. BRITTON,
Dep. Clerk of the Peace, Frontenac.

Kingston, January 5th, 1892.

No. 26.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting The School of Mining and Agriculture.

First Reading, 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26.] **BILL.** [1893.

An Act respecting The School of Mining and Agriculture

Preamble.

WHEREAS The School of Mining and Agriculture, a corporation incorporated under the *Act respecting Benevolent, Provident and other Societies*, for the establishment and maintenance of a school for the training and education of miners, prospectors, farmers, artisans, mechanics, workingmen and others, in which instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying, agriculture and *other* related subjects, have by their petition represented, amongst other things, that they have established at the city of Kingston, a school for the purposes aforesaid, and that such school will result in substantial benefits to the eastern part of Ontario, and will conduce to the development of its mining, agricultural *and other* interests; and whereas with the view of increasing the efficiency and extending the usefulness of the said school, the said corporation desire to obtain certain additional powers in regard to the acquiring and holding of property for the purposes of the said corporation and in regard to obtaining municipal aid for the said school and to provide for the representation on the governing board thereof of municipalities granting such aid and to have confirmed and declared valid the incorporation of the said petitioners and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation confirmed.

1. The incorporation of The School of Mining and Agriculture, under the *Act respecting Benevolent, Provident and other Societies*, is hereby confirmed and declared to be valid, for the purposes mentioned, in its declaration of incorporation, a copy of which is set forth in the schedule to this Act.

Capital stock.

2. The capital stock of the said corporation shall be the sum of $100,000 divided into 1,000 shares of $100 each.

Who to be members.

3. Every person who subscribes to the capital or funds of the said corporation the sum of $100 shall thereby become and be a member or corporator thereof.

Power to acquire and hold property.

4. The said corporation shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal,

as may be necessary for the actual use and occupation of the said school, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed, or hereafter to be conveyed to the said corporation, and to accept and hold, within the limits hereinafter prescribed, for the benefit of the said school, any gifts devises or bequests of any property, real or personal, to sell and alienate any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said school, and to invest such moneys as they deem advisable upon such securities as to the said trustees shall seem meet: Provided that no gift or devise of any real estate or of any interest therein in favour of the said corporation shall be valid unless made by deed or will executed by the donor or testator, at least six months before his death; and provided always that the real estate not required for the use and occupation of the said school, or for the residences of the professors, tutors, students and officers thereof as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his heirs or devisees.

Proviso.

Proviso.

Board of Governors.

5 The said school shall continue to be under the management and administration of the board of Governors, constituted and provided for by its declaration of incorporation and the powers and duties of the said governors shall be those set forth in the said declaration.

Visitor.

6. The Lieutenant-Governor shall be the visitor of the school and it shall be the duty of the Board of Governors whenever called upon by him or by the Lieutenant-Governor in council to do so, to furnish full and accurate accounts in writing of the property of the school and the income derived therefrom and of the expenditure of all or any part of the funds of the corporation.

Municipalities may grant aid.

7. It shall be lawful for any municipal corporation in the Province, whenever and as often as it thinks fit, to grant aid by way of bonus or otherwise to the said school for its maintenance, support and advancement, subject to such terms and conditions as such municipality may think proper and the said school may grant representation on its Board of Governors to any municipality granting such aid on such terms as may be agreed upon.

8. The council of any municipality may, by a by-law passed in any year by a vote of two-thirds of the whole number of members thereof, grant aid to the said school to the extent of one thousand dollars *for such* year; and it shall not be necessary to submit such by-law to the ratepayers of such municipality for their assent.

SCHEDULE.

(Section 1.)

Declaration, pursuant to the Act of the Province of Ontario, Chapter 172 of the Revised Statutes of Ontario, 1887, for the incorporation of The School of Mining and Agriculture.

1. We, the undersigned J. B. Carruthers, William Harty, G. M. Macdonnell, D. Fraser, Geo. Y. Chown, Edward T. Steacy, J. B. McIver, D. M. McIntyre, George M. Grant, Isaac Wood, C. F. Gildersleeve, James Swift, M. H. Folger and John L. Whiting, do hereby declare that we have agreed and do hereby agree to be incorporated under the provisions of the said Act as a society or body politic and corporate by the corporate name of The School of Mining and Agriculture.

2. We further declare that the purposes of the said intended society or corporation are the following, that is to say: To establish and maintain a school for the training and education of students and more particularly of miners, prospectors, farmers, artisans, mechanics and workingmen, to whom instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying. in agriculture and related subjects, in veterinary science, in navigation, in civil, electrical and mechanical engineering and architecture. or any other departments of applied science.

3. The affairs of the corporation shall be managed by a board of twelve trustees or managing officers to be called governors to be elected by the associate members of the society, and the following persons shall be the first or provisional governors thereof, that is to say: J. B. Carruthers, C. F. Gildersleeve, Hiram A. Calvin, G. M. Grant, G. M. Macdonnell, James Swift, William Harty, E. W. Rathbun, Henry Folger, John L. Whiting, George Y. Chown and James Haydon.

4. The members of the provisional board shall hold office until the first general meeting of associate members, when they shall all retire and an election of governors shall be held as hereinafter provided.

5. After the said first election four governors shall retire annually, but shall be eligible for re-election, and retirement shall always be in alphabetical rotation.

6. A meeting for the election of governors shall be held annually at the city of Kingston on such day in the month of April in each year as may be fixed from time to time by the board.

7. In case of a vacancy by death, resignation or assignment of membership, the board may fill the vacancy the person so appointed to hold office for the remainder of the term of his predecessor.

8. The persons above named and every other person who agrees with the corporation or with any person as trustee for or on behalf of the corporation to pay a sum of not less than one hundred dollars to or for the use of the corporation, shall be an associate member thereof.

9. An associate member may, by writing either testamentary or otherwise attested by one or more subscribing witnesses, assign his membership, and if he has not done so his executors or administrators may by instrument in writing attested as aforesaid assign said membership to any other person, and upon such assignment being recorded in a book to be kept for that purpose and the instrument of assignment or a copy thereof or an extract of the part thereof expressing such assignment, certfied by any notary public or other official person, being deposited with the corporation, the assignee shall become and be a member in place of the assignor or deceased member.

10. The said school shall be established at the said city of Kingston.

11. The board of governors shall have power to appoint and to fix the number, duties, salaries and tenure of office of the professors, lecturers, tutors, masters, officers and agents of the school, and may from time to time remove any of them, and shall fix from time to time the fees to be paid by students or others for instruction or other privileges.

12. The board of governors shall have the control and management of the property and funds of the corporation, and shall have power to adopt, amend, repeal or vary from time to time, by-laws and regulations touching and concerning all or any of the matters aforesaid, as well as concerning the quorum, time and place of meetings of the board, and the election, retirement and duties of the members of the board, and all other matters which to them may seem necessary or proper for the well ordering and advancement of the school.

13. The board of governors shall elect one of their number chairman to preside at their meetings and to sign and affix the corporate seal to all proper instruments in writing on behalf of the corporation.

14. A meeting of associate members shall be called by the provisional board at the city of Kingston at some convenient time within six months after the proceedings for the incorporporation of the said society required by law are complete for the election of a permanent board of governors in place of the provisional board, in which election the members of the provisional board shall be eligible.

(Sgd.) C. F. Gildersleeve.
J. B. Carruthers.
Wm. Harty.
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D. Fraser.
Geo. Y. Chown.
Edw. T. Steacy.
J. B. McIver.
D. M. McIntyre.
Geo. M. Grant.
Isaac Wood.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of, The School of Mining and Agriculture.

I, George Milnes Macdonnell, of the city of Kingston, in the county of Frontenac and Province of Ontario, Solicitor, make oath and say—

1. That I was present and did see the several persons whose names are subscribed to the annexed declaration or incorporation duly sign the same, and the signatures thereto are of the proper handwriting of the said persons respectively.

Sworn before me at the city of Kingston, in the county of Frontenac, this 30th day of December, A.D. 1892.

(Sgd.) JOHN MUDIE,

A Commissioner, etc.

(Sgd.) G. M. MACDONNELLL.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of The School of Mining and Agriculture.

I, Cornelius Walleau Price, of the city of Kingston, in the county of Frontenac and Province of Ontario, judge of the county court of the county of Frontenac, do hereby certify that the within declaration has been produced to me and the same appears to be in conformity with the Act respecting Benevolent Provident and other Societies.

As witness my hand this 30th day of December, A.D. 1892.

(Sgd.) C. V. PRICE,
Judge County Frontenac.

I hereby certify that I have this day filed in the office of the Clerk of the Peace a copy of the declaration for the incorporation of The School of Mining and Agriculture.

(Sgd.) A. L. BRITTON,
Dep. Clerk of the Peace, Frontenac.

Kingston, January 5th, 1892.

No. 26.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting The School of Mining and Agriculture.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26.] **BILL.** [1893.

An Act respecting The School of Mining and Agriculture

Preamble.

WHEREAS The School of Mining and Agriculture, a corporation incorporated under the *Act respecting Benevolent, Provident and other Societies*, for the establishment and maintenance of a school for the training and education of miners, prospectors, farmers, artisans, mechanics, workingmen and others, in which instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying, agriculture and *other* related subjects, have by their petition represented, amongst other things, that they have established at the city of Kingston, a school for the purposes aforesaid, and that such school will result in substantial benefits to the eastern part of Ontario, and will conduce to the development of its mining, agricultural *and other* interests; and whereas with the view of increasing the efficiency and extending the usefulness of the said school, the said corporation desire to obtain certain additional powers in regard to the acquiring and holding of property for the purposes of the said corporation and in regard to obtaining municipal aid for the said school and to provide for the representation on the governing board thereof of municipalities granting such aid and to have confirmed and declared valid the incorporation of the said petitioners and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation confirmed.

1. The incorporation of The School of Mining and Agriculture, under the *Act respecting Benevolent, Provident and other Societies*, is hereby confirmed and declared to be valid, for the purposes mentioned, in its declaration of incorporation, a copy of which is set forth in the schedule to this Act.

Capital stock.

2. The capital stock of the said corporation shall be the sum of $100,000 divided into 1,000 shares of $100 each.

Who to be members.

3. Every person who subscribes to the capital or funds of the said corporation the sum of $100 shall thereby become and be a member or corporator thereof.

Power to acquire and hold property.

4. The said corporation shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal,

as may be necessary for the actual use and occupation of the said school, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed, or hereafter to be conveyed to the said corporation, and to accept and hold, within the limits hereinafter prescribed, for the benefit of the said school, any gifts devises or bequests of any property, real or personal, to sell and alienate any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said school, and to invest such moneys as they deem advisable upon such securities as to the said Governors shall seem meet: Provided that no gift or devise of any real estate or of any interest therein in favour of the said corporation shall be valid unless made by deed or will executed by the donor or testator, at least six months before his death; and provided always that the real estate not required for the use and occupation of the said school, or for the residences of the professors, tutors, students and officers thereof as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his heirs or devisees.

Proviso.

Proviso.

Board of Governors.

5. The said school shall continue to be under the management and administration of the board of Governors, constituted and provided for by its declaration of incorporation and the powers and duties of the said governors shall be those set forth in the said declaration.

Visitor.

6. The Lieutenant-Governor shall be the visitor of the school and it shall be the duty of the Board of Governors whenever called upon by him or by the Lieutenant-Governor in council to do so, to furnish full and accurate accounts in writing of the property of the school and the income derived therefrom and of the expenditure of all or any part of the funds of the corporation.

Municipalities may grant aid.

7. It shall be lawful for any municipal corporation in the Province, whenever and as often as it thinks fit, to grant aid by way of bonus or otherwise to the said school for its maintenance, support and advancement, subject to such terms and conditions as such municipality may think proper and the said school may grant representation on its Board of Governors to any municipality granting such aid on such terms as may be agreed upon.

SCHEDULE.

(Section 1.)

Declaration, pursuant to the Act of the Province of Ontario, Chapter 172 of the Revised Statutes of Ontario, 1887, for the incorporation of The School of Mining and Agriculture.

1. We, the undersigned J. B. Carruthers, William Harty, G. M. Macdonnell, D. Fraser, Geo. Y. Chown, Edward T. Steacy, J. B. McIver, D. M. McIntyre, George M. Grant, Isaac Wood, C. F. Gildersleeve, James Swift, M. H. Folger and John L. Whiting, do hereby declare that we have agreed and do hereby agree to be incorporated under the provisions of the said Act as a society or body politic and corporate by the corporate name of The School of Mining and Agriculture.

2. We further declare that the purposes of the said intended society or corporation are the following, that is to say: To establish and maintain a school for the training and education of students and more particularly of miners, prospectors, farmers, artisans, mechanics and workingmen, to whom instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying. in agriculture and related subjects, in veterinary science, in navigation, in civil, electrical and mechanical engineering and architecture. or any other departments of applied science.

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6. A meeting for the election of governors shall be held annually at the city of Kingston on such day in the month of April in each year as may be fixed from time to time by the board.

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8. The persons above named and every other person who agrees with the corporation or with any person as trustee for or on behalf of the corporation to pay a sum of not less than one hundred dollars to or for the use of the corporation, shall be an associate member thereof.

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(Sgd.) C. F. Gildersleeve.
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D. Fraser.
Geo. Y. Chown.
Edw. T. Steacy.
J. B. McIver.
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Geo. M. Grant.
Isaac Wood.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of, The School of Mining and Agriculture.

I, George Milnes Macdonnell, of the city of Kingston, in the county of Frontenac and Province of Ontario, Solicitor, make oath and say—

1. That I was present and did see the several persons whose names are subscribed to the annexed declaration or incorporation duly sign the same, and the signatures thereto are of the proper handwriting of the said persons respectively.

Sworn before me at the city of Kingston, in the county of Frontenac, this 30th day of December, A.D. 1892.

(Sgd.) JOHN MUDIE,

A Commissioner, etc.

(Sgd.) G. M. MACDONNELL.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of The School of Mining and Agriculture.

I, Cornelius Walleau Price, of the city of Kingston, in the county of Frontenac and Province of Ontario, judge of the county court of the county of Frontenac, do hereby certify that the within declaration has been produced to me and the same appears to be in conformity with the Act respecting Benevolent Provident and other Societies.

As witness my hand this 30th day of December, A.D. 1892

(Sgd.) C. V. PRICE,
Judge County Frontenac.

I hereby certify that I have this day filed in the office of the Clerk of the Peace a copy of the declaration for the incorporation of The School of Mining and Agriculture.

(Sgd.) A. L. BRITTON,
Dep. Clerk of the Peace, Frontenac.

Kingston, January 5th, 1892.

No. 26.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting The School of Mining and Agriculture.

First Reading, 14th April, 1893.
Second Reading, 26th April, 1893.

(*Reprint as amended by the Committee of the Whole House.*)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 27.] BILL. [1893.

An act to ratify and confirm By-law No. 468 of the City of Brantford, and By-law No. 638 of the City of Hamilton.

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company and the municipal corporation of the city of Brantford have petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the said municipal corporation, passed on the 1st. day of August A.D. 1892 after the same had been duly approved and assented to by the ratepayers of the said city of Brantford who were entitled to vote, and intituled "By-law No. 468 to authorize the amal-"gamation of the Brantford, Waterloo and Lake Erie Railway "Company, with the Toronto, Hamilton and Buffalo Railway "Company, and to aid and assist the Toronto, Hamilton and "Buffalo Railway Company by giving $70,000 by way of "bonus to the company and to issue debentures therefor, and "to authorize the levying of a special rate for payment of the "debentures and interest thereon," a copy of which said by-law is contained in the Schedule "A" to this Act; and whereas the said the Toronto, Hamilton and Buffalo Railway Company, and the said municipal corporation of the city of Brantford by their said petition have represented that the said the Toronto, Hamilton and Buffalo Railway Company has purchased and acquired from the Brantford, Waterloo and Lake Erie Railway Company the railways, works, capital stock, assets, rights, privileges, property and franchises of the said Brantford, Waterloo and Lake Erie Railway Company and the same have become and are vested in the said the Toronto, Hamilton and Buffalo Railway Company, and the said two railway companies have amalgamated under the name of the Toronto, Hamilton and Buffalo Railway Company by an agreement of purchase, amalgamation and merger entered into and executed by both the said companies, under and by virtue of the provisions of the Act of the Parliament of the Dominion of Canada passed in the session held in the 54th and 55th years of Her Majesty's reign, and chaptered 86, which said agreement has been sanctioned, approved and ratified in the manner mentioned in the said Act, and a duplicate of which said agreement has been duly filed in the office of the Secretary of State for Canada at Ottawa, and, notice thereof has been duly given in the Canada *Gazette*; and said petitioners have further represented that it is of advantage to the said city, as well as just and right, that an Act may be passed ratifying, legalizing and confirming and giving full effect to

the said by-law No. 468; and whereas it is expedient to grant the prayer of the said petition; and whereas the Toronto, Hamilton and Buffalo Railway Company has petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 20th day of September A.D. 1892 after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton who were entitled to vote, and intituled "By-law No. 638, for granting a bonus of "$275,000 in aid of the Toronto, Hamilton and Buffalo Rail- "way Company," a copy of which said by-law is contained in schedule "B" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 468 of the city of Brantford confirmed.

1. The said by-law numbered 468 of the municipal corporation of the city of Brantford entitled as in the preamble to this act recited and which said by-law is set out in schedule "A" to this Act is hereby confirmed and declared to be legal, valid and binding to all intents and purposes and the debentures issued or to be issued under the said bylaw shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Brantford and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

By-law No 638 of the city of Hamilton confirmed.

2. The said by-law numbered 638 of the municipal corporation of the city of Hamilton entitled as in the preamble to this Act recited and which said by-law is set out in the schedule "B" to this Act is hereby confirmed and declared to be legal valid and binding to all intents and purposes and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

By-law of City of Hamilton to be binding on T. H. & B. R. Co'y.

3. It is hereby declared that said by-law No. 638 passed by the municipal council of the said city of Hamilton on the 20th day of September 1892 and all the conditions contained therein are and shall be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and in the event of the lines proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland and from the city of Hamilton to the city of Toronto or the connecting line from Hamilton through Brantford to Waterford mentioned in the said by-law, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Com-

pany, or the South Ontario Pacific Railway Company or of any company, person or persons acting for or in the interests of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company either directly as a company, or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford, or any point between Brantford and Hamilton to the city of Toronto, or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company their successors or assigns under or by virtue of the grant made by said by-law No. 638 to the Toronto, Hamilton and Buffalo Railway Company, shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway Company and upon all the franchises and property of the said company.

SCHEDULE "A."

By-law No. 468.

To authorize the amalgamation of the Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company, and to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving $70,000 by way of bonus to the company, and to issue debentures therefor, and to authorize the levying of a special rate for payment of the debentures and interest thereon.

Whereas by an Act of Legislature of the Province of Ontario passed in the 47th year of Her Majesty's reign, chapter seventy-five, and entituled "An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company" and a certain other Act of the said Legislature of Ontario, passed in the 53rd year of Her Majesty's reign, chapter one hundred and twenty-six, the powers conferred on the said railway company, by their said original act, were extended, among other things, conferring authority upon the said company to extend its line from or near the city of Hamilton to a point in the county of Brant at or near the city of Brantford, there to connect with the line of the Brantford, Waterloo and Lake Erie Railway Company and

Whereas by an act of the Parliament of the Dominion of Canada, passed in the 55th year of Her Majesty's reign, chapter eigty-six and intituled "An Act respecting the Toronto

Hamilton and Buffalo Railway Company, it is in said Act among other things, provided that the proprietors of the Brantford, Waterloo and Lake Erie Railway Company may sell to or amalgamate with the Toronto, Hamilton and Buffalo Railway Company, or the said last mentioned company may purchase or otherwise acquire the railway works, the capital stock and assets, rights, privileges, property and franchises, of the Brantford, Waterloo and Lake Erie Railway Company upon such terms and conditions as may be agreed upon by the directors of the said respective companies, and

Whereas negotiations are now in progress for the proposed amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the said Toronto, Hamilton and Buffalo Railway Company and proceedings have been taken by the said railway companies towards the completion and ratification of such amalgamation or purchase as in the manner in the said last mentioned act of the Parliament of Canada is provided, and

Whereas the said company is authorized to receive from any municipal or corporate bodies having power to grant the same aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money or debentures or securities for money, and

Whereas the corporation of the city of Brantford has determined to aid and assist the said railway company in the construction of the said railway by giving to the said company debentures as hereinafter mentioned, to the amount of $70,000 under the authority of *The Consolidated Municipal Act of 1892*, and

Whereas in order to carry out the last recited object it will be necessary for the said municipal corporation to issue debentures to the amount of $70,000 as hereinafter mentioned payable at twenty years at farthest from the day when this by-law shall take effect, and

Whereas it will be necessary for the said municipal corporation to raise an annual sum of $2,800 for the payment of the interest on the said debentures, and an annual sum of $2,475.27 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole rateable property of the said city in the year 1893 and in each of the next nineteen succeeding years, and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon at four per cent. per annum is the sum of $5,275.27, and

Whereas the amount of the whole rateable property of the city of Brantford according to the last revised assessment roll of the said city is the sum of $6,439,530, and the amount of the existing debenture debt of the said city is the sum of $724,638.88, no part of which or its interest being in arrears, and

Whereas for paying the interest on said debentures which is the sum of $2,800 every year, and for creating a sinking fund to pay the said debentures, which is the sum of $2,475.27 every year, and which together form the said sum of $5,275.27 it will require the said sum of $5,275.27 to be raised annually by special rate on all the rateable property of the said municipality in addition to all other rates and assessments to be levied in each year on the whole of the said rateable property during the said period;

Be it therefore enacted by the municipal corporation of the city of Brantford in council assembled as follows :—

1. That it shall be lawful for the said corporation of the city of Brantford to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving the said company the debentures hereinafter mentioned, by way of bonus, subject nevertheless to the provisions and conditions hereinafter severally expressed, the due performance of all of which said provisions and conditions are hereby expressly declared to be conditions precedent to the delivery of the said debentures to the said railway company, and upon the further condition that the amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the Toronto, Hamilton and Buffalo Railway Company, is first duly and legally completed by the said Railway Companies. And to such amalgamation with or purchase and acquisition by the Toronto, Hamilton and Buffalo Railway Company, the consent of the ratepayers of the city of Brantford, entitled to vote on this by-law, is hereby given and expressed.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation to cause the requisite number of debentures to be issued for such sums of money as shall be required for such purposes of not less than one hundred dollars and not exceeding the sum of one thousand dollars each and not exceeding in the whole the said sum of $70,000, which debentures shall be sealed with the seal of the said corporation, and signed by the mayor, and countersigned by the treasurer of the said municipal corporation.

3 The said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of September, 1892, and shall be made payable at the office of the treasurer of the said corporation of the city of Brantford and shall bear interest at the rate of four per centum per annum, payable annually on the first day of September in each year, at the office of the said treasurer, and shall have attached to them coupons for the payment of the said interest as aforesaid.

4. That for the purpose of paying said debentures and interest the sum of $5,275.27 shall, in addition to all other rates be assessed, raised, levied and collected upon all the rateable property in the municipality of the said city of Brantford in

each year during the currency of the said debentures by a special rate sufficient to raise the said sum annually.

5. That none of the said debentures to be signed and issued as aforesaid shall be delivered to the said company until the said railway company shall have fully and completely bridged and graded the whole of the said line of railway from the city of Brantford to the city of Toronto, and the ties and rails have been laid thereon.

6. That the said railway company will erect and equip at a point within a radius of six hundred feet from the corner of Erie avenue and Market street, in the city of Brantford, a suitable passenger station, and a freight warehouse within a radius of twelve hundred feet from the corner of said streets, and will also maintain a station with waiting room and platform and sufficient side track on the west side of the river, in the city of Brantford, suitable to transact all business tributary to such station, and will cross the Grand river at the said city of Brantford, and in crossing will erect and maintain a first-class steel railway bridge, said bridge to have a footpath for passengers, on the north side thereof, at least four feet wide, the same to be maintained by the railway company in a satisfactory and safe condition for travel by foot passengers, and the approaches to the said foot bridge outside of the right of way of railway to be maintained by the said city of Brantford, and the approaches to the said foot bridge within the right of way of the said railway to be maintained and kept in proper condition for travel by the said railway company.

7. That as soon as the said railway company shall have fully bridged and graded and laid the ties and rails on the whole of their line or railway from the city of Brantford by way of the city of Hamilton to the city of Toronto, and otherwise have done and performed the other requisites of this by-law and shall have produced to the said corporation the certificate of the chief engineer and president of the said railway company, countersigned by such engineer as may be appointed by the said corporation of the city of Brantford, then the said corporation shall deliver over to the treasurer of the said railway company, for the use of the said company, the said debentures with the relative unaccrued coupons issued under and by virtue of this by-law or any principal money which has been paid thereunder.

8. All the coupons accrued due on the said debentures prior to the delivery of the same to the said railway company shall be the property of the said corporation and shall not be delivered to the said railway company.

9. It is a further condition of this by-law that the said railway company shall commence the work of grading and bridging the said railway line on or before the first day of October, 1892, and the said road shall be graded, bridged and

the ties and rails laid thereon from Brantford to the city of Toronto, on or before the thirty-first day of December, 1893 and the said corporation of the city of Brantford shall be entitled to the same representation, rights and privileges on the Board of Directors of the said railway company as they formerly had in connection with the Brantford, Waterloo and Lake Erie Railway Company, notwithstanding any amalgamation of the said Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company.

10. The railway company shall be and continue to be controlled and operated independent of the Grand Trunk Railway Company, and the line of the said railway shall extend from the Michigan Central Railway or the Canada Southern Railway at Waterford to Hamilton and Toronto as aforesaid, and that in case the said line of railway shall at any time become the property of the Grand Trunk Railway Company, or shall in any manner be controlled or operated by the said Grand Trunk Railway Company by lease or otherwise, then the grant of the said bonus shall, if the same has not been paid, be and become void, and if the same has been paid to the said company or its assigns by the said debentures or otherwise, the amount of debentures delivered shall be repaid to the said city of Brantford, and the amount thereof shall form a first lien and charge upon the line of railway hereinbefore described, and this by-law may be registered in such counties on the line of the said railway as the said corporation may elect.

11. That should the said railway company at any time after the completion of the said road fail to regularly operate the same as in the ordinary course of business the said road would be operated, or should the said railway company commit violations of section No. 10 of this by-law after the delivery to them of the said debentures herein provided for, then the said railway company shall and will repay to the said city of Brantford the said sum of $70,000, and the said corporation shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered as for money had and received by the said company for the use of the said corporation or money loaned or otherwise.

12. The said railway company and the said corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the Province of Ontario to ratify the provisions of this by-law, or such parts thereof as may be required, at their next ensuing sessions and the said company shall bear the expense of such legislation.

13. Unless the ratification of the last mentioned clause is obtained, the council of the said corporation may declare this by-law void and of no effect.

14. This by-law shall take effect from and after the first day of September, A. D. 1892.

15. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on Thursday, the 21st day of July, A. D. 1892, on the said proposed by-law, at the hour of nine o'clock in the forenoon and continue until the hour of five o'clock in the afternoon at the following places, by the following persons hereby appointed deputy returning officers, namely:—

In Ward No. 1, for polling sub-divisions 1 and 2, at the shop of Peter Casey, on West Mill street; Cornelius F. Fox deputy returning officer.

In Ward No. 1, for polling sub-divisions 3 and 4, at the shop of John Callis, on Colborne street; John Callis, deputy returning officer.

In Ward No. 2, for polling sub-divisions 5 and 6, at the house of Jerry Buckley No. 15 Bond street; R. Walter Brooks, deputy returning officer.

In Ward No. 2, for polling sub-divisions 7 and 8, at the house of Robert Mackenzie, No. 66 William street; William Harvie, deputy returning officer.

In Ward No. 3, for polling sub-divisions 9, 10, 11, and 12, at the City Hall, on Market square; F. J. Grenny deputy returning officer.

In Ward No. 3, for polling sub-divisions 13, 14, and 15, at the shop of L. B. Carey, on Market street; L. B. Carey, deputy returning officer.

In Ward No 4, for polling sub-divisions 16 and 17, at the house of John Fisher, No. 288 Dalhousie street; James W. Tutt, deputy returning officer.

In Ward No. 4, for polling sub-divisions 18 and 19, at the house of William Draper, No. 210 Chatham street; Joseph Thomas, deputy returning officer.

In Ward No. 5, for polling sub-divisions 20 and 21, at the house of Catharine W. Kerr, No. 55 Canning street; John A. Leach, deputy returning officer.

In Ward No. 5, for polling sub-divisions 22 and 23, at the Baptist mission school on Eagle avenue; Joseph Hartley, deputy returning officer.

16. That the clerk of the said municipal corporation shall sum up the number of votes given for and against this by-law at the hour of ten o'clock in the forenoon on the twenty-second day of July, A. D. 1892, at the City Hall, in the said city of Brantford, and the mayor of the said city shall attend at the office of the said clerk, in the said city on the 19th day of July, A. D. 1892, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk respectively on behalf of persons interested in promoting and opposing the above by-law.

Passed on the first day of August, 1892.

(Sd) JAMES WOODYATT,
City Clerk.

(Sd) L. SECORD,
Mayor.

{L. S.}

SCHEDULE "B."

By-Law No. 638.

For Granting a Bonus of $275,000 in Aid of the Toronto Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway, Company have, by failure on their part to fufil the terms and conditions contained in by-law No. 504 of the city of Hamilton, forfeited the bonus granted to them by that by-law, and they have now applied again to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and seventy-five thousand dollars should be granted in the said railway company upon the terms and conditions agreed upon between this corporation and the said railway company, which terms and conditions are hereinafter set forth.

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this municipality for the sum of two hundred and seventy-five thousand dollars payable as herein provided, if all the conditions hereinafter contained are fulfilled, or for the sum of two hundred and twenty-five thousand dollars if the first only of such conditions shall have been fulfilled.

And whereas, if the said debentures for $275,000 be issued, it will be requisite to raise by special rate, during the term of twenty years from the first day of January, 1894, for paying the said debt and interest, the sum of $20,235 during each year of said term, or if the said debentures for $225,000 only be issued, the sum of $16,556 in each of such years as hereinafter provided.

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll, is $24,279,420.

And whereas the existing debenture debt of this municipality amounts to $2,970,541, and no principal or interest is in arrear.

Therefore the municipal council of the city of Hamilton enacts as follows :—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality to the amount of two hundred and seventy-five thousand dollars, or for the sum of two hundred and twenty-five thousand dollars only, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty years from the first of January, 1894 ; such debentures to bear interest at four per cent. per annum from the first day of January, 1894, the interest on all said debentures to be payable half-yearly, on the first days of July and January in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof, to sign the said debentures hereby authorized to be issued and to cause the same and the interests coupons attached thereto, to be signed by the treasurer of the said municipality ; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the company.

4. There shall be raised and levied by special rate on all the ratable property in the said municipality, during the term of twenty years from the first day of January, 1894, for payment of the interest on the said debentures, the sum of $11,000 during each year of said term, and for payment of the principal of said debentures, the sum of $9,235, during each year of said term of twenty years, or if by reason of any condition hereinafter contained $225,000 only of said debentures shall be issued the sum of $9,000 during each year of said term for the interest thereon, and for payment of the principal of said debentures the sum of $7,556 during each year of said term of twenty years.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Friday, the second day of September, 1892, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places :

Ward.	Division.	Place.	Returning Officer.
1	1	166 King street east	Alex. Turnbull.
1	2	204 King street east,	W. P. Smith.
1	3	61 Ferguson ave., south,	Rich. Ellicott.
2	1	146 King street east,	J. M. Ellicott.
2	2	28 Main street east,	F. R. Hutton.
2	3	209 John street south,	A C. Beasley
2	4	24 Jackson street,	Wm. Herman.
3	1	219 King street west,	M. A. Pennington.
3	2	307 Main street west,	Chas. Reid.
3	3	137 Hannah street west,	E. A. Smith.
3	4	495 King street west,	Wm. Holton.
3	5	299 Herkimer street,	Jos. Kent.
4	1	58 Caroline street north,	Robt. Bryce.
4	2	136 Cannon street west,	Chas. Blackman.
4	3	440 King street west,	M. Richardson.
4	4	Cor. York and Queen,	T. Tribute.
4	5	378 York street,	Jas. Hinchcliffe.

Ward.	Division.	Place.	Returning Officer.
4	6	S.S.King's shop Dundurn,	L. McDonald.
5	1	13 MacNab street, north,	Adam Hunter.
5	2	City Hall, James street,	L. Hills.
5	3	21 Hughson street north,	Robt Leask.
5	4	149 MacNab street north,	Jas. Clark.
5	5	363 James street north,	J. B. Nelligan.
5	6	503 James street north,	Wm. Buckingham.
6	1	14 John street north,	H. A. Martin
6	2	70 Cannon street east,	Jas. Byrnes
6	3	113 Rebecca street,	William Turnbull,
6	4	225 King William street,	Wm. Allen.
6	5	Cor John & Barton streets Houlden's shop,	Jas. Houlden.
6	6	364 Mary street,	Thos. Smith.
6	7	83 Picton street east,	Alex. McPherson.
7	1	47 West avenue north,	Sam. Robins.
7	2	28 Tisdale street,	Hedley Mason.
7	3	Cor.Barton and East ave.,	Sam. Scott.
7	4	361 Cannon street east,	Ed. Hawke.
7	5	Cor. Victoria ave. and Albert Road,	W. H. Martin.
7	6	Town Hall, Barton,	A. W. Swazie.

6. On Monday, the 29th day of August, 1892, the mayor shall attend at the council chamber at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the city clerk, on behalf of the persons interested in opposing or promoting the passing of this by-law.

7. The clerk of the council of the said municipality shall attend at his office in the city hall, in the city of Hamilton, at 11 o'clock in the forenoon of Monday, the 5th day of September, 1892, and sum up the number of votes given for and against the by-law.

Terms and Conditions.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway company in the manner and at the times set forth therein, and not otherwise, and no part thereof shall be paid over to the said company except in accordance with and upon the fulfilment of such terms and conditions :

1. The sum of $225,000 of the grant made by this by-law shall be paid to the company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the company, until the completion of their railway as a first-class road from Hamilton to a point on the Canada

Southern Railway, at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton from a point in the north-westerly part of the city west of the line of Inchbury street to Bay street, and thence in a tunnel from the west side of Bay street to James street, and thence to the easterly limits of the city by a northerly route, substantially according to the description and specification thereof, hereinafter contained, or passing through said city by a southerly route, substantially according to the description and specification thereof, hereinafter contained, such southerly route to be adopted by the company, and the adoption thereof, notified by them in writing to the clerk of Hamilton within two months after the final passing of this by-law or within such further time as the council of the city of Hamilton may by resolution grant for such adoption, otherwise the company to be restricted to the northerly route; nor until the company have completed a direct connection by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such connecting line from Waterford to be not more than 650 feet west of Garth street at its intersection with Main street in the city of Hamilton, or if the main line be beyond that distance from Garth street at such intersection, a spur track from the main line to be built, passing not more than 650 feet west of Garth street at its intersection with Main street; nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern and Michigan Central systems at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and it has been provided in the company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland and from Hamilton to Toronto, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in

alliance with any of said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company-person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the company.

2. The sum of $50,000, being the balance of the grant made by this by-law, shall be paid over to the company by the delivery to them of debentures to that amount, issued under this by-law and bearing interest at four per cent. per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the company until after the fulfilment of the foregoing conditions, nor until the completion of the company's line as a first-class road passing through the city of Hamilton, by one of the routes hereinbefore mentioned, and continuing on from the north-westerly part of the city of Hamilton into the city of Toronto, nor until such line between Hamilton and Toronto has been actually opened for traffic and is being operated in connection with the Canada Southern Railway and independently of the Grand Trunk Railway Company, the Canadian Pacific Railway Company and the South Ontario Pacific Railway Company, or of any control by or alliance with any of said companies, and is being so operated as to give adequate and regular daily train service both for passengers and freight between Hamilton and Toronto, and such balance of said grant shall be subject also to the further terms and conditions which are contained in next preceding paragraph hereof, as to the repayment in certain events of the grant made by this by-law, and as to the amount of such grant forming a first lien upon the railway and upon all the franchises and property of the company.

3. The company shall build and shall always maintain a principal passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo Railway running from or through Brantford to Toronto, or from Toronto to or through Brantford, shall stop at such principal passenger station of the company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station.

If the company's line from Brantford shall enter the city of Hamilton at a point south of King street, and shall pass through the city by the northerly route hereinafter described, the com-

pany shall build and always maintain a second passenger station within the limits of the city of Hamilton at some point on their line west of Queen sttreet and south of King street, and if said line shall pass through the city by the southerly route hereinafter described the company shall build and always maintain such second passenger station at some point between Queen and Garth streets, south of Main street.

4. The debentures issued under this by-law shall bear interest at four per cent. per annum from the first day of January, 1894, but no debentures shall be issued under this by-law or be handed over to the company, nor shall the company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the company have deen fulfilled on their part, nor until the company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo Railway line from the city of Brantford to Hamilton, or within the city of Hamilton, be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded with at that date, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned or discontinued, then in any of such events this by-law shall become void and shall not take effect; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day of December, 1893, the grant made by this by-law shall be forfeited, and upon such forfeiture the debentures, if any, which may have been signed or sealed under this by law, shall be cancelled, and time is hereby declared to be of the essence of this condition.

7. If, notwithstanding that the portion of the said railway mentioned in the next preceding paragraph shall have been duly completed within the time in said paragraph mentioned, the line of said railway from Hamilton to Toronto shall not have been fully and completely bridged and graded to the city of Toronto and the tiles and rails laid thereon before the thirty-first day of December, 1893, or the said railway from Hamilton into the city of Toronto shall not be completed, opened and operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, then, in either of such events, that portion of the grant hereby made which might otherwise become payable under said second condition, consisting of debentures to the amount of $50,000, bearing interest at four per cent. per annum from the first day of January, 1894, shall be forfeited by the company, and upon such forfeiture, the debentures, if any, which may have been signed or sealed under this by-law, and which the company may not have become entitled to under the first condition hereinbefore contained, shall be cancelled, and the interest, if any, levied for such debentures shall be paid over to the city treasurer for the general purpose of the municipality, and the porportion applicable to such debentures of the amounts, if any, levied for the principal under this by-law, shall be appropriated by the city corporation for general purposes, and the amounts to be thereafter levied under this by-law shall be reduced by the proportion which would be applicable for interest and principal to such sum of $50,000, it being hereby declared that if the railway from Hamilton to Toronto shall have been so completely bridged and graded and the ties and rails laid thereon before the thirty-first day of December, 1893, such debentures for $50,000 may be signed and sealed and placed in the hands of the city treasurer of Hamilton, but that such debentures shall be cancelled as hereinbefore provided, if such railway from Hamilton into the city of Toronto be not completed, open and operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, and the time is hereby declared to be of the essence of this condition.

8. If, before the delivery over to the company of the whole of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage of real property taken or injuriously affected by the exercise within the city of Hamilton of any of the powers granted for the railway, the said city corporation shall retain out of any of said debenture to which the company may have become entitled under the conditions of this by-law, an amount suffi- to pay such claims, and shall have the right to pay any of such claims when agreed upon or legally ascertained, and to use so

much of said debentures as may be necessary to enable them to make such payment or payments.

9. If the Niagara Central Railway Company shall build their line of railway to the easterly limits of the city of Hamilton, and shall, when their line has been so built, apply to the Toronto, Hamilton a d Buffalo Railway Company, or their assigns, for the right to run trains for passengers and freight through the city of Hamilton over the main tracks, and passing sidings of the line to be built, as hereinbefore designated, by the Toronto, Hamilton and Buffalo Railway Company, such right to run trains shall be granted to the Niagara Central Railway Company, upon such terms as may be mutually agreed on, or as may, in case of failure to agree, be determined by three arbitators, one of whom shall be appointed by each of said companies, and the third by arbitators so chosen, and in case of failure of such two arbitators to choose a third within two weeks after the last of such two arbitrators has been appointed, such third arbitator may be appointed by one of the judges of the High Court of Justice for Ontario, or by the judge or junior judge of the county of Wentworth, upon application of either of the said companies, one week's notice of such application being given to the other of said companies of the motion for such appointment, and the award of the said arbitators, or any two of them, shall be binding on said railway companies, and if either of said companies shall, after two weeks' notice in writing from the other of the appointment of an arbitator fail to appoint another arbitrator herein, the other company may, upon one week's notice, apply to a judge of the High Court of Justice for Ontario, or the judge or junior judge of the county of Wentworth, for the appointment of a sole arbitrator, and the award of any sole arbitrator to be so appointed shall be binding on said railway companies.

10. In settling the terms upon which such right to run trains shall be granted, and the compensation to be paid by the Niagara Central Railway Company, no value shall be put upon the land within the city of Hamilton, between Sherman and the north-westerly limits of the city of Hamilton, over which the main tracks and passing sidings of the Toronto, Hamilton and Buffalo Railway shall be built, but such compensation shall be based on the cost of construction and maintenance of such main tracks and passing sidings within the limits of the city of Hamilton and the relative use to be made thereof by the Niagara Central Railway Company and the Toronto, Hamilto n and Buffalo Railway Company or their assigns.

11. The Toronto, Hamilton and Buffalo Railway Company or their assigns shall not be bound to grant any such right to run trains to the Niagara Central Railway Company unless that company's road is operated as an independent line, or to grant any such right except for such period as it shall continue to be an independent line, and shall not be under the control

of the Grand Trunk Railway Company or the Canadian Pacific or South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of any of those railway companies, or shall be operated as a part of or in alliance with any of those systems, either directly or indirectly.

12. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compensation therefor, and either by a level crossing or by a bridge or subway as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway, and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appurtenance, they shall be removed by the company at the request of the city corporation, the cost of such removal to be paid by the city ; and if the city corporation shall desire to construct any sewers or lay any water pipes across or through the lands of the said railway company they shall be at liberty to do so without paying compensation to the company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

13. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton shall be done under the supervision and to the satisfaction of the city engineer.

Description and Specification.

The following is the description and specification of the northerly route hereinbefore referred to.

The line will extend from a point in the north-westerly part of the city, west of the line of Inchbury street, thence running in an easterly direction near the foot of the bluffs and south of the tracks of the Grand Trunk Railway to Barton street, thence across Barton street at or near the intersection of Queen street, thence continuing in an easterly direction and curving slightly to the north and crossing Hess and Caroline streets immediately south of Barton street, and continuing to a point on the west side of Bay street not less than 100 nor more than 200 feet north of Sheaffe street, and connecting there with a tunnel for a double track railway which is to be constructed from the west side of Bay street to the west side of James street ; the said tunnel is to be commenced at a point in the west limit of Bay street, from 100 to 200 feet north of Sheaffe street, and is to be built thence in an easterly direction to and across Park street to a point south of St. Joseph's Convent and not less than 120 feet north of St. Mary's Roman

Catholic Cathedral, passing on the north side of the Separate (Model) School to MacNab street ; thence in a direct line to the western limit of James street, where the tunnel will end not less than 100 feet north of Robert street. A steel bridge is to be constructed over the railway the full width of James street, and at an elevation of not more than two feet above the present travelled way. This bridge will be calculated to carry a load equal to 100 pounds per superficial foot of the floor thereof, and James street at each approach to the bridge is to be paved as at present. Thence the railway is to continue easterly in an open cutting, curving slightly towards the south, passing 60 to 100 feet south of the English church known as Christ Church Cathedral ; crossing Hughson street at Robert street, or at a point not more than 100 feet north thereof, and at such crossing a bridge similar to that described for James street, is to be erected the full width of Hughson street, at an elevation above the present roadway of not more than 9 feet. The railway company is to ramp or embank and macadamize Hughson street, at an easy grade on the northerly and southerly approaches to the bridge and render the roadway and sidewalks easy for passage of teams and pedestrians. The company is to erect a bridge over Robert street, should the cutting across Robert street exceed ten feet in depth, and such bridge shall be similar to that described for James street, and the company shall ramp or embank, and macadamize the approaches to such bridge in the same manner as required for the Hughson street bridge. The railway is to cross Robert street at an acute angel to John street, entering upon John street north of the present residence of Bishop Hamilton, thence to the east side of John street in a cutting not to exceed six feet deep, at a point not more than 200 feet south of Robert street ; the John street roadway and sidewalks to be sloped down to the tracks at an easy grade, and to be paved as at present ; thence to Catharine street 50 to 150 feet north of Cannon street. in a cutting about three and a a half feet deep, and over Cannon street between Catharine and Mary streets ; thence crossing Mary street, where the cutting will be about three feet deep, and not more than 100 feet south of Cannon street ; thence to Elgin street at or near its intersection with Kelley street, and not more than 100 feet north thereof ; thence to and over Ferguson avenue on the level of the Grand Trunk Railway tracks, to a point about midway between Wilson and Kelly streets ; thence continuing easterly through the blocks immediately north of Wilson street ; thence about parallel to Wilson street across Cathcart street, Wellington street, West avenue, Victoria avenue, East avenue, Emerald, Tisdale and Steven streets at a grade or nearly so ; thence over Ashley street immediately north of Nightingale street ; thence to and across Wentworth street south of Wilson street ; thence eastwardly to a point south of Mountain avenue on Sherman avenue, the present eastern city limits, crossing all intervening streets between Wentworth street and Sherman avenue at

grade or nearly so, or on an alternate route from Wentworth street at or near the intersection of Wilson street eastwardly to a point north of King street on Sherman avenue, crossing all intervering streets between Wentworth street and Sherman avenue at grade or nearly so. All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner. The railway company shall lay down double tracks from some point west of Bay street to Wentworth street, exclusive of necessary sidings and switches.

The following is the description and and specification of the southerly route referred to in this by-law:

The line will extend from a point in the present located and partly graded line of the Toronto, Hamilton and Buffalo Railway on the eastern end of the Marsh (known as Coote's Paradise) and west of the city cemetery and between the Desjardins canal and the said city cemetery; thence southwardly along said Marsh and Beasley's Hollow, crossing King and Main streets overhead by an iron or steel bridge; thence curving to the eastward by an open cutting and crossing Garth street immediately north of Hunter street at a depth of not less than 12 feet below present grade of Garth street; thence continuinge astwardly parallel with Hunter street, and immediately north of it, crossing Poulette street 27 feet below present grade, Locke street 19 feet below, Pearl street 21 feet below, Ray street 21 feet below, and Queen street 20 feet below present grade of Queen street; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen street through the centre of Hunter street passing under Hess, Caroline, Bay, and Park streets to the east side of Park street, where the tunnel ends. The railway will thence continue from the centre line of Hunter street at Park street, along Hunter street, but keeping to the north thereof as much as practicable for the use of teams and pedestrians.

The railway company shall wall up the south side of their track between Charles and Park streets, and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles street not more than seven feet below present street grade, and McNab street with a cutting not to exceed three feet; thence along the north half of Hunter street (leaving the south half of said Hunter street for a driveway), crossing James, Hughson and John streets practically at grade; thence curving slightly southward crossing Catharine street and entering upon the block south of Hunter street between Catharine and Walnut streets not more than 200 feet east of the east side of said Catharine street; thence crossing Walnut, Ferguson, Liberty, Aurora and Wellington streets and West and Victoria avenues,

to a point not more than 200 feet immediately north of the Grand Trunk Railway; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway not more than 250 feet from the said railway to Wentworth street thence across Wentworth street and continuing eastwardly to Sherman avenue, the eastern limits of the city, to a point in said Sherman avenue south of Mountain avenue.

Overhead wooden bridges, well and substantially built, the full width of streets, shall be constructed and maintained over Garth, Poulette, Locke, Pearl and Ray streets with the necessary guards and guard rails.

The railway company shall lay down double tracks from some point near Garth street to Wentworth street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues, and all the railway tracks along the surface of streets on either route are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner.

The highway above the tunnel on Hunter street shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the company and to the satisfaction of the city engineer And no part of the tunnel shall be kept open any longer than. is absolutely necessary for its completion.

The company shall, at their own expense, sufficiently protect by watchmen and gates, McNab, James, Hughson and John streets where they are crossed by the railway.

The pipe sewer on Queen street shall, at the crossing of that street by the railway, be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the company, and all sewers and water pipes on the southerly which may be interfered with by the railway company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing and relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the company to the city corporation on demand, and if at the time the company may become entitled to any debentures under the terms of this by-law, any such expenses shall remain unpaid by the company to the city, the amount thereof with interest from the time of demand of payment, may be deducted from such debentures

Passed this 20th day of September, A.D. 1892.

(Sd.) T. BEASLEY,
City Clerk.

{L. S.}

(Sd.) P. C. BLAICHER,
Mayor.

No. 27.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to ratify and confirm By-law No. 468 of Brantford, and By-law No. 638 of Hamilton.

First Reading, 1893.

(Private Bill.)

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 27.] BILL. [1893.

An act to ratify and confirm By-law No. 468 of the City of Brantford, and By-law No. 638 of the City of Hamilton.

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company and the municipal corporation of the city of Brantford have petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the said municipal corporation, passed on the 1st. day of August A.D. 1892 after the same had been duly approved and assented to by the ratepayers of the said city of Brantford who were entitled to vote, and intituled "By-law No. 468 to authorize the amal-"gamation of the Brantford, Waterloo and Lake Erie Railway "Company, with the Toronto, Hamilton and Buffalo Railway "Company, and to aid and assist the Toronto, Hamilton and "Buffalo Railway Company by giving $70,000 by way of "bonus to the company and to issue debentures therefor, and "to authorize the levying of a special rate for payment of the "debentures and interest thereon," a copy of which said by-law is contained in the Schedule "A" to this Act; and whereas the said the Toronto, Hamilton and Buffalo Railway Company, and the said municipal corporation of the city of Brantford by their said petition have represented that the said the Toronto, Hamilton and Buffalo Railway Company has purchased and acquired from the Brantford, Waterloo and Lake Erie Railway Company the railways, works, capital stock, assets, rights, privileges, property and franchises of the said Brantford, Waterloo and Lake Erie Railway Company and the same have become and are vested in the said the Toronto, Hamilton and Buffalo Railway Company, and the said two railway companies have amalgamated under the name of the Toronto, Hamilton and Buffalo Railway Company by an agreement of purchase, amalgamation and merger entered into and executed by both the said companies, under and by virtue of the provisions of the Act of the Parliament of the Dominion of Canada passed in the session held in the 54th and 55th years of Her Majesty's reign, and chaptered 86, which said agreement has been sanctioned, approved and ratified in the manner mentioned in the said Act, and a duplicate of which said agreement has been duly filed in the office of the Secretary of State for Canada at Ottawa, and, notice thereof has been duly given in the Canada *Gazette*; and said petitioners have further represented that it is of advantage to the said city, as well as just and right, that an Act may be passed ratifying, legalizing and confirming and giving full effect to

the said by-law No. 468; and whereas it is expedient to grant the prayer of the said petition; and whereas the Toronto, Hamilton and Buffalo Railway Company has petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 20th day of September A.D. 1892 after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton who were entitled to vote, and intituled "By-law No. 638, for granting a bonus of "$275,000 in aid of the Toronto, Hamilton and Buffalo Rail-"way Company," a copy of which said by-law is contained in schedule "B" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 468 of the city of Brantford confirmed.

1. The said by-law numbered 468 of the municipal corporation of the city of Brantford entitled as in the preamble to this act recited and which said by-law is set out in schedule "A" to this Act is hereby confirmed and declared to be legal, valid and binding to all intents and purposes and the debentures issued or to be issued under the said bylaw shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Brantford and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

By-law declared binding on the T. H. and B. Railway Co.

☞**2.** It is hereby declared that the said by-law number 468, passed by the municipal council of the said city of Brantford, on the first day of August, 1892, and all the conditions contained therein are, and shall be binding on the Toronto, Hamilton and Buffalo Railway Company, and all who may claim under them, and in the event of the line proposed to be built by the Toronto, Hamilton and Buffalo Railway Company, from the Michigan Central Railway, or the Canada Southern Railway, at Waterford, to Hamilton and Toronto, as mentioned in the said by-law, or any part of the said line becoming at any time the property of the Grand Trunk Railway Company, or being in any manner controlled or operated by the said Grand Trunk Railway Company, by lease or otherwise, or in the event of the said Toronto Hamilton and Buffalo Railway Company failing at any time after the completion of the said road, to regularly operate the same as in the ordinary course of business the said road would be operated, the amount of any debentures which may have been issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by said by-law number 468 to the Toronto Hamilton and Buffalo Railway Company, shall be repaid to the corporation of the city of Brantford, with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and

Buffalo Railway Company, and upon all the franchises and property of the said company.

By-law No 638 of the city of Hamilton confirmed.

3. The said by-law numbered 638 of the municipal corporation of the city of Hamilton entitled as in the preamble to this Act recited and which said by-law is set out in the schedule "B" to this Act is hereby confirmed and declared to be legal valid and binding to all intents and purposes and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof, notwithstanding anything in any Act to the contrary; but nothing in this section shall affect the question of costs of any action or proceeding now pending.

By-law of City of Hamilton to be binding on T. H. & B. R. Co'y.

4. It is hereby declared that said by-law No. 638 passed by the municipal council of the said city of Hamilton on the 20th day of September 1892 and all the conditions contained therein are and shall be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and in the event of the lines proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland and from the city of Hamilton to the city of Toronto or the connecting line from Hamilton through Brantford to Waterford mentioned in the said by-law, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company or of any company, person or persons acting for or in the interests of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company either directly as a company, or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford, or any point between Brantford and Hamilton to the city of Toronto, or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company their successors or assigns under or by virtue of the grant made by said by-law No. 638 to the Toronto, Hamilton and Buffalo Railway Company, shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway Company and upon all the franchises and property of the said company.

SCHEDULE "A."

By-law No. 468.

To authorize the amalgamation of the Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company, and to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving $70,000 by way of bonus to the company, and to issue debentures therefor, and to authorize the levying of a special rate for payment of the debentures and interest thereon.

Whereas by an Act of Legislature of the Province of Ontario passed in the 47th year of Her Majesty's reign, chapter seventy-five, and entituled "An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company" and a certain other Act of the said Legislature of Ontario, passed in the 53rd year of Her Majesty's reign, chapter one hundred and twenty-six, the powers conferred on the said railway company, by their said original act, were extended, among other things, conferring authority upon the said company to extend its line from or near the city of Hamilton to a point in the county of Brant at or near the city of Brantford, there to connect with the line of the Brantford, Waterloo and Lake Erie Railway Company and

Whereas by an act of the Parliament of the Dominion of Canada, passed in the 55th year of Her Majesty's reign, chapter eigty-six and intituled "An Act respecting the Toronto Hamilton and Buffalo Railway Company, it is in said Act among other things, provided that the proprietors of the Brantford, Waterloo and Lake Erie Railway Company may sell to or amalgamate with the Toronto, Hamilton and Buffalo Railway Company, or the said last mentioned company may purchase or otherwise acquire the railway works, the capital stock and assets, rights, privileges, property and franchises, of the Brantford, Waterloo and Lake Erie Railway Company upon such terms and conditions as may be agreed upon by the directors of the said respective companies, and

Whereas negotiations are now in progress for the proposed amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the said Toronto, Hamilton and Buffalo Railway Company and proceedings have been taken by the said railway companies towards the completion and ratification of such amalgamation or purchase as in the manner in the said last mentioned act of the Parliament of Canada is provided, and

Whereas the said company is authorized to receive from any municipal or corporate bodies having power to grant the same aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money or debentures or securities for money, and

Whereas the corporation of the city of Brantford has determined to aid and assist the said railway company in the construction of the said railway by giving to the said company debentures as hereinafter mentioned, to the amount of $70,000 under the authority of *The Consolidated Municipal Act of 1892*, and

Whereas in order to carry out the last recited object it will be necessary for the said municipal corporation to issue debentures to the amount of $70,000 as hereinafter mentioned payable at twenty years at farthest from the day when this by-law shall take effect, and

Whereas it will be necessary for the said municipal corporation to raise an annual sum of $2,800 for the payment of the interest on the said debentures, and an annual sum of $2,475.27 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole rateable property of the said city in the year 1893 and in each of the next nineteen succeeding years, and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon at four per cent. per annum is the sum of $5,275.27, and

Whereas the amount of the whole rateable property of the city of Brantford according to the last revised assessment roll of the said city is the sum of $6,439,530, and the amount of the existing debenture debt of the said city is the sum of $724,638.88, no part of which or its interest being in arrears, and

Whereas for paying the interest on said debentures which is the sum of $2,800 every year, and for creating a sinking fund to pay the said debentures, which is the sum of $2,475.27 every year, and which together form the said sum of $5,275.27 it will require the said sum of $5,275.27 to be raised annually by special rate on all the rateable property of the said municipality in addition to all other rates and assessments to be levied in each year on the whole of the said rateable property during the said period;

Be it therefore enacted by the municipal corporation of the city of Brantford in council assembled as follows :—

1. That it shall be lawful for the said corporation of the city of Brantford to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving the said company the debentures hereinafter mentioned, by way of bonus, subject nevertheless to the provisions and conditions hereinafter severally expressed, the due performance of all of which said provisions and conditions are hereby expressly declared to be conditions precedent to the delivery of the said debentures to the said railway company, and upon the further condition that the amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the

Toronto, Hamilton and Buffalo Railway Company, is first duly and legally completed by the said Railway Companies. And to such amalgamation with or purchase and acquisition by the Toronto, Hamilton and Buffalo Railway Company, the consent of the ratepayers of the city of Brantford, entitled to vote on this by-law, is hereby given and expressed.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation to cause the requisite number of debentures to be issued for such sums of money as shall be required for such purposes of not less than one hundred dollars or exceeding the sum of one thousand dollars each and not exceeding in the whole the said sum of $70,000, which debentures shall be sealed with the seal of the said corporation, and signed by the mayor, and countersigned by the treasurer of the said municipal corporation.

3. The said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of September, 1892, and shall be made payable at the office of the treasurer of the said corporation of the city of Brantford and shall bear interest at the rate of four per centum per annum, payable annually on the first day of September in each year, at the office of the said treasurer, and shall have attached to them coupons for the payment of the said interest as aforesaid.

4. That for the purpose of paying said debentures and interest the sum of $5,275.27 shall, in addition to all other rates be assessed, raised, levied and collected upon all the rateable property in the municipality of the said city of Brantford in each year during the currency of the said debentures by a special rate sufficient to raise the said sum annually.

5. That none of the said debentures to be signed and issued as aforesaid shall be delivered to the said company until the said railway company shall have fully and completely bridged and graded the whole of the said line of railway from the city of Brantford to the city of Toronto, and the ties and rails have been laid thereon.

6. That the said railway company will erect and equip at a point within a radius of six hundred feet from the corner of Erie avenue and Market street, in the city of Brantford, a suitable passenger station, and a freight warehouse within a radius of twelve hundred feet from the corner of said streets, and will also maintain a station with waiting room and platform and sufficient side track on the west side of the river, in the city of Brantford, suitable to transact all business tributary to such station, and will cross the Grand river at the said city of Brantford, and in crossing will erect and maintain a first-class steel railway bridge, said bridge to have a footpath for passengers, on the north side thereof, at least four feet wide, the same to be maintained by the railway company in a

satisfactory and safe condition for travel by foot passengers, and the approaches to the said foot bridge outside of right of way of railway to be maintained by the said city of Brantford, and the approaches to the said foot bridge within the right of way of the said railway to be maintained and kept in proper condition for travel by the said railway company.

7. That as soon as the said railway company shall have fully bridged and graded and laid the ties and rails on the whole of their line of railway from the city of Brantford by way of the city of Hamilton to the city of Toronto, and otherwise have done and performed the other requisites of this by-law and shall have produced to the said corporation the certificate of the chief engineer and president of the said railway company, countersigned by such engineer as may be appoined by the said corporation of the city of Brantford, then the said corporation shall deliver over to the treasurer of the said railway company, for the use of the said company, the said debentures with the relative unaccrued coupons issued under and by virtue of this by-law or any principal money which has been paid thereunder.

8. All the coupons accrued due on said debentures prior to the delivery of the same to the said railway company shall be the property of the said corporation and shall not be delivered to the said railway company.

9. It is a further condition of this by-law that the said railway company shall commence the work of grading and bridging the said railway line on or before the first day of October, 1892, and the said road shall be graded, bridged and the ties and rails laid thereon from Brantford to the city of Toronto, on or before the thirty-first day of December, 1893 and the said corporation of the city of Brantford shall be entitled to the same representation, rights and privileges on the Board of Directors of the said railway company as they formerly had in connection with the Brantford, Waterloo and Lake Erie Railway Company, notwithstanding any amalgamation of the said Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company.

10. The said railway company shall be and continue to be controlled and operated independent of the Grand Trunk Railway Company, and the line of the said railway shall extend from the Michigan Central Railway or the Canada Southern Railway at Waterford to Hamilton and Toronto as aforesaid, and that in case the said line of railway shall at any time become the property of the Grand Trunk Railway Company, or shall in any manner be controlled or operated by the said Grand Trunk Railway Company by lease or otherwise, then the grant of the said bonus shall, if the same has not been paid, be and become void, and if the same has been paid to the said company or its assigns by the said debentures or otherwise, the amount of

debentures delivered shall be repaid to the said city of Brantford, and the amount thereof shall form a first lien and charge upon the line of railway hereinbefore described, and this by-law may be registered in such counties on the line of the said railway as the said corporation may elect.

11. That should the said railway company at any time after the completion of the said road fail to regularly operate the same as in the ordinary course of business the said road would be operated, or should the said railway company commit violations of section No. 10 of this by-law after the delivery to them of the said debentures herein provided for, then the said railway company shall and will repay to the said city of Brantford the said sum of $70,000, and the said corporation shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered as for money had and received by the said company for the use of the said corporation or money loaned or otherwise.

12. The said railway company and the said corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the Province of Ontario to ratify the provisions of this by-law, or such parts thereof as may be required, at their next ensuing sessions and the said company shall bear the expense of such legislation.

13. Unless the ratification of the last mentioned clause is obtained, the council of the said corporation may declare this by-law void and of no effect.

14. This by-law shall take effect from and after the first day of September, A. D. 1892.

15. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on Thursday, the 21st day of July, A. D. 1892, on the said proposed by-law, at the hour of nine o'clock in the forenoon and continue until the hour of five o'clock in the afternoon at the following places, by the following persons hereby appointed deputy returning officers, namely:—

In Ward No. 1, for polling sub-divisions 1 and 2, at the shop of Peter Casey, on West Mill street; Cornelius F. Cox deputy returning officer.

In Ward No. 1, for polling sub-divisions 3 and 4, at the shop of John Callis, on Colborne street; John Callis, deputy returning officer.

In Ward No. 2, for polling sub-divisions 5 and 6, at the house of Jerry Buckley on No. 15 Bond street; R. Walter Brooks, deputy returning officer.

In Ward No. 2, for polling sub-divisions 7 and 8, at the house of Robert Mackenzie, 66 William street; William Harvie, deputy returning officer.

In Ward No. 3, for polling sub-divisions 9, 10, 11, and 12, at the City Hall, on Market square; F. J. Grenny deputy returning officer.

In Ward No. 3, for polling sub-divisions 13, 14, and 15, at the shop of L. B. Carey, on Market street; L. B. Carey, deputy returning officer.

In Ward No 4, for polling sub-divisions 16 and 17, at the house of John Fisher, 288 Dalhousie street; James W. Tutt, deputy returning officer.

In Ward No. 4, for polling sub-divisions 18 and 19, at the house of William Draper, 210 Chatham street; Joseph Thomas, deputy returning officer.

In Ward No. 5, for polling sub-divisions 20 and 21, at the house of Catharine A. Kerr, 55 Canning street; John A. Leach, deputy returning officer.

In Ward No. 5, for polling sub-divisions 22 and 23, at the Baptist mission school on Eagle avenue; Joseph Hartley, deputy returning officer.

16. That the clerk of the said municipal corporation shall sum up the number of votes given for or against this by-law at the hour of ten o'clock in the forenoon on the twenty-second day of July, A. D. 1892, at the City Hall, in the said city of Brantford, and the mayor of the said city shall attend at the office of the said clerk, in the said city on the 19th day of July, A. D. 1892, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk respectively on behalf of persons interested in promoting and opposing the above by-law.

Passed on the first day of August, 1892.

(Sd) JAMES WOODYATT,
City Clerk.
(Sd) L. SECORD,
Mayor. { L. S. }

SCHEDULE "B."

BY-LAW No. 638.

For Granting a Bonus of $275,000 in Aid of the Toronto Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway, Company have, by failure on their part to fufil the terms and conditions contained in by-law No. 504 of the city of Hamilton, forfeited the bonus granted to them by that by-law, and they have now applied again to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and seventy-five thousand dollars should be granted to the said railway company upon the terms and conditions agreed upon between this corporation and the said railway company, which terms and conditions are hereinafter set forth.

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this municipality for the sum of two hundred and seventy-five thousand dollars payable as herein provided, if all the conditions hereinafter contained are fulfilled, or for the sum of two hundred and twenty-five thousand dollars if the first only of such conditions shall have been fulfilled.

And whereas, if the said debentures for $275,000 be issued, it will be requisite to raise by special rate, during the term of twenty years from the first day of January, 1894, for paying the said debt and interest, the sum of $20,235 during each year of said term, or if the said debentures for $225,000 only be issued, the sum of $16,556 in each of such years as hereinafter provided.

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll, is $24,279,420.

And whereas the existing debenture debt of this municipality amounts to $2,970,541, and no principal or interest is in arrear.

Therefore the municipal council of the city of Hamilton enacts as follows :—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality to the amount of two hundred and seventy-five thousand dollars, or for the sum of two hundred and twenty-five thousand dollars only, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty years from the first day of January, 1894 ; such debentures to bear interest at four per cent. per annum from the first day of January, 1894, the interest on all said debentures to be payable half-yearly, on the first days of July and January in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof, to sign the said debentures hereby authorized to be issued and to cause the same and the interest coupons attached thereto, to be signed by the treasurer of the said municipality ; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the company.

4. There shall be raised and levied by special rate on all the ratable property in the said municipality, during the term of twenty years from the first day of January, 1894, for payment

of the interest on the said debentures, the sum of $11,000 during each year of said term, and for payment of the principal of said debentures, the sum of $9,235, during each year of said term of twenty years, or if by reason of any condition hereinafter contained $225,000 only of said debentures shall be issued the sum of $9,000 during each year of said term for the interest thereon, and for payment of the principal of said debentures the sum of $7,556 during each year of said term of twenty years.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Friday, the second day of September, 1892, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward	Division.	Place.	Returning Officer.
1	1	166 King street east	Alex. Turnbull.
1	2	204 King street east,	W. P. Smith.
1	3	61 Ferguson ave., south,	Rich. Ellicott.
2	1	146 King street east,	J. M. Ellicott.
2	2	28 Main street east,	F. R. Hutton.
2	3	209 John street south,	A. C. Beasley
2	4	24 Jackson street,	Wm. Herman.
3	1	219 King street west,	M. A. Pennington.
3	2	307 Main street west,	Chas. Reid.
3	3	137 Hannah street west,	E. A. Smith.
3	4	495 King street west,	Wm. Holton.
3	5	299 Herkimer street,	Jos. Kent.
4	1	58 Caroline street north,	Robt. Bryce.
4	2	136 Cannon street west,	Chas. Blackman.
4	3	440 King street west,	M. Richardson.
4	4	Cor. York and Queen,	T. Tribute.
4	5	378 York street,	Jas. Hinchcliffe.
4	6	S.S.King's shop Dundurn,	L. McDonald.
5	1	13 MacNab street, north,	Adam Hunter.
5	2	City Hall, James street,	L. Hills.
5	3	21 Hughson street north,	Robt Leask.
5	4	149 MacNab street north,	Jas. Clark.
5	5	363 James street north,	J. B. Nelligan.
5	6	503 James street north,	Wm. Buckingham.
6	1	14 John street north,	H. A. Martin
6	2	70 Cannon street east,	Jas. Byrnes
6	3	113 Rebecca street,	William Turnbull,
6	4	225 King William street,	Wm. Allen.
6	5	Cor John & Barton streets Houlden's shop,	Jas. Houlden.
6	6	364 Mary street,	Thos. Smith.
6	7	83 Picton street east,	Alex. McPherson.
7	1	47 West avenue north,	Sam. Robins.
7	2	28 Tisdale street,	Hedley Mason.
7	3	Cor. Barton and East ave.,	Sam. Scott.

Ward.	Division.	Place.	Returning Officer.
7	4	361 Cannon street east,	Ed. Hawke.
7	5	Cor. Victoria ave. and Albert Road,	W. H. Martin.
7	6	Town Hall, Barton,	A. W. Swazie.

6. On Monday, the 29th day of August, 1892, the mayor shall attend at the council chamber at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the city clerk, on behalf of the persons interested in opposing or promoting the passing of this by-law.

7. The clerk of the council of the said municipality shall attend at his office in the city hall, in the city of Hamilton, at 11 o'clock in the forenoon of Monday, the 5th day of September, 1892, and sum up the number of votes given for and against the by-law.

Terms and Conditions.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway company in the manner and at the times set forth therein, and not otherwise, and no part thereof shall be paid over to the said company except in accordance with and upon the fulfilment of such terms and conditions :

1. The sum of $225,000 of the grant made by this by-law shall be paid to the company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the company, until the completion of their railway as a first-class road from Hamilton to a point on the Canada Southern Railway, at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton from a point in the north-westerly part of the city west of the line of Inchbury street to Bay street, and thence in a tunnel from the west side of Bay street to James street, and thence to the easterly limits of the city by a northerly route, substantially according to the description and specification thereof, hereinafter contained, or passing through said city by a southerly route, substantially according to the description and specification thereof, hereinafter contained, such southerly route to be adopted by the company, and the adoption thereof, notified by them in writing to the city clerk of Hamilton within two months after the final passing of this by-law or within such further time as the council of the city of Hamilton may by resolution grant for such adoption, otherwise the company to be restricted to the northerly route ; nor until the company have completed a direct connection by a first-class line of railway, from the line of the Canada Southern Railway at

Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such connecting line from Waterford to be not more than 650 feet west of Garth street at its intersection with Main street in the city of Hamilton, or if the main line be beyond that distance from Garth street at such intersection, a spur track from the main line to be built, passing not more than 650 feet west of Garth street at its intersection with Main street; nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and it has been provided in the company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland and from Hamilton to Toronto, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company-person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the company.

2. The sum of $50,000, being the balance of the grant made by this by-law, shall be paid over to the company by the

delivery to them of debentures to that amount, issued under this by-law and bearing interest at four per cent. per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the company until after the fulfilment of the foregoing conditions, nor until the completion of the company's line as a first-class road passing through the city of Hamilton, by one of the routes hereinbefore mentioned, and continuing on from the north-westerly part of the city of Hamilton into the city of Toronto, nor until such line between Hamilton and Toronto has been actually opened for traffic and is being operated in connection with the Canada Southern Railway and independently of the Grand Trunk Railway Company, the Canadian Pacific Railway Company and the South Ontario Pacific Railway Company, or of any control by or alliance with any of said companies, and is being so operated as to give adequate and regular daily train service both for passengers and freight between Hamilton and Toronto, and such balance of said grant shall be subject also to the further terms and conditions which are contained in next preceding paragraph hereof, as to the repayment in certain events of the grant made by this by-law, and as to the amount of such grant forming a first lien upon the railway and upon all the franchises and property of the company.

3. The company shall build and shall always maintain a principal passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo Railway running from or through Brantford to Toronto, or from Toronto to or through Brantford, shall stop at such principal passenger station of the company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station.

If the company's line from Brantford shall enter the city of Hamilton at a point south of King street, and shall pass through the city by the northerly route hereinafter described, the company shall build and always maintain a second passenger station within the limits of the city of Hamilton at some point on their line west of Queen street and south of King street, and if said line shall pass through the city by the southerly route hereinafter described the company shall build and always maintain such second passenger station at some point between Queen and Garth streets, south of Main street.

4. The debentures issued under this by-law shall bear interest at four per cent. per annum from the first day of January, 1894, but no debentures shall be issued under this by-law or be handed over to the company, nor shall the company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the company have deen fulfilled on their part, nor until the company shall have entered into an agreement with the city corporation to

perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo Railway line from the city of Brantford to Hamilton, or within the city of Hamilton, be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded with at that date, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned or discontinued, then in any of such events this by-law shall become void and shall not take effect; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day of December, 1893, the grant made by this by-law shall be forfeited, and upon such forfeiture the debentures, if any, which may have been signed or sealed under this by-law, shall be cancelled, and time is hereby declared to be of the essence of this condition.

7. If, notwithstanding that the portion of the said railway mentioned in the next preceding paragraph shall have been duly completed within the time in said paragraph mentioned, the line of said railway from Hamilton to Toronto shall not have been fully and completely bridged and graded to the city of Toronto and the ties and rails laid thereon before the thirty-first day of December, 1893, or the said railway from Hamilton into the city of Toronto shall not be completed, opened and operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, then, in either of such events, that portion of the grant hereby made which might otherwise become payable under said second condition, consisting of debentures to the amount of $50,000, bearing interest at four per cent. per annum from the first day of January, 1894, shall be forfeited by the company, and upon such forfeiture, the debentures, if any, which may have been signed or sealed under this by-law, and

which the company may not have become entitled to under the first condition hereinbefore contained, shall be cancelled, and the interest, if any, levied for such debentures shall be paid over to the city treasurer for the general purposes of the municipality, and the porportion applicable to such debentures of the amounts, if any, levied for the principal under this by-law, shall be appropriated by the city corporation for general purposes, and the amounts to be thereafter levied under this by-law shall be reduced by the proportion which would be applicable for interest and principal to such sum of $50,000, it being hereby declared that if the railway from Hamilton to Toronto shall have been so completely bridged and graded and the ties and rails laid thereon before the thirty-first day of December, 1893, such debentures for $50,000 may be signed and sealed and placed in the hands of the city treasurer of Hamilton, but that such debentures shall be cancelled as hereinbefore provided, if such railway from Hamilton into the city of Toronto be not completed, opened and operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, and time is hereby declared to be of the essence of this condition.

8. If, before the delivery over to the company of the whole of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamilton of any of the powers granted for the railway, the said city corporation shall retain out of any of said debenture to which the company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims, and shall have the right to pay any of such claims when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary to enable them to make such payment or payments.

9. If the Niagara Central Railway Company shall build their line of railway to the easterly limits of the city of Hamilton, and shall, when their line has been so built, apply to the Toronto, Hamilton and Buffalo Railway Company, or their assigns, for the right to run trains for passengers and freight through the city of Hamilton over the main tracks, and passing sidings of the line to be built, as hereinbefore designated, by the Toronto, Hamilton and Buffalo Railway Company, such right to run trains shall be granted to the Niagara Central Railway Company, upon such terms as may be mutually agreed on, or as may, in case of failure to agree, be determined by three arbitrators, one of whom shall be appointed by each of said companies, and the third by the arbitrators so chosen, and in case of the failure of such two arbitrators to choose a third within two weeks after the last of such two

arbitrators has been appointed, such third arbitator may be appointed by one of the judges of the High Court of Justice for Ontario, or by the judge or junior judge of the county of Wentworth, upon application of either of the said companies, one week's notice of such application being given to the other of said companies of the motion for such appointment, and the award of the said arbitators, or any two of them, shall be binding on said railway companies, and if either of said companies shall, after two weeks' notice in writing from the other of the appointment of an arbitator fail to appoint another arbitrator herein, the other company may, upon one week's notice, apply to a judge of the High Court of Justice for Ontario, or the judge or junior judge of the county of Wentworth, for the appointment of a sole arbitrator, and the award of any sole arbitrator to be so appointed shall be binding on said railway companies.

10. In settling the terms upon which such right to run trains shall be granted, and the compensation to be paid by the Niagara Central Railway Company, no value shall be put upon the land within the city of Hamilton, between Sherman and the north-westerly limits of the city of Hamilton, over which the main tracks and passing sidings of the Toronto, Hamilton and Buffalo Railway shall be built, but such compensation shall be based on the cost of construction and maintenance of such main tracks and passing sidings within the limits of the city of Hamilton and the relative use to be made thereof by the Niagara Central Railway Company and the Toronto, Hamilton and Buffalo Railway Company or their assigns.

11. The Toronto, Hamilton and Buffalo Railway Company or their assigns shall not be bound to grant any such right to run trains to the Niagara Central Railway Company unless that company's road is operated as an independent line, or to grant any such right except for such period as it shall continue to be an independent line, and shall not be under the control of the Grand Trunk Railway Company or the Canadian Pacific or South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of any of those railway companies, or shall be operated as a part of or in alliance with any of those systems, either directly or indirectly.

12. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compensation therefor, and either by a level crossing or by a bridge or subway as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway, and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appur-

tenance, they shall be removed by the company at the request of the city corporation, the cost of such removal to be paid by the city ; and if the city corporation shall desire to construct any sewers or lay any water pipes across or through the lands of the said railway company they shall be at liberty to do so without paying compensation to the company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

13. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton shall be done under the supervision and to the satisfaction of the city engineer.

Description and Specification.

The following is the description and specification of the northerly route hereinbefore referred to.

The line will extend from a point in the north-westerly part of the city, west of the line of Inchbury street, thence running in an easterly direction near the foot of the bluffs and south of the tracks of the Grand Trunk Railway to Barton street, thence across Barton street at or near the intersection of Queen street, thence continuing in an easterly direction and curving slightly to the north and crossing Hess and Caroline streets immediately south of Barton street, and continuing to a point on the west side of Bay street not less than 100 nor more than 200 feet north of Sheaffe street, and connecting there with a tunnel for a double track railway which is to be constructed from the west side of Bay street to the west side of James street ; the said tunnel is to be commenced at a point in the west limit of Bay street, from 100 to 200 feet north of Sheaffe street, and is to be built thence in an easterly direction to and across Park street to a point south of St. Joseph's Convent and not less than 120 feet north of St. Mary's Roman Catholic Cathedral, passing on the north side of the Separate (Model) School to MacNab street ; thence in a direct line to the western limit of James street, where the tunnel will end not less than 100 feet north of Robert street. A steel bridge is to be constructed over the railway the full width of James street, and at an elevation of not more than two feet above the present travelled way. This bridge will be calculated to carry a load equal to 100 pounds per superficial foot of the floor thereof, and James street at each approach to the bridge is to be paved as at present. Thence the railway is to continue easterly in an open cutting, curving slightly towards the south, passing 60 to 100 feet south of the English church known as Christ Church Cathedral ; crossing Hughson street at Robert street, or at a point not more than 100 feet north thereof, and at such crossing a bridge similar to that described for James street, is to be erected the full width of Hughson street, at an elevation above the present roadway of not more than 9 feet.

The railway company is to ramp or embank and macadamize Hughson street, at an easy grade on the northerly and southerly approaches to the bridge and render the roadway and sidewalks easy for passage of teams and pedestrians. The company is to erect a bridge over Robert street, should the cutting across Robert street exceed ten feet in depth, and such bridge shall be similar to that described for James street, and the company shall ramp or embank, and macadamize the approaches to such bridge in the same manner as required for the Hughson street bridge. The railway is to cross Robert street at an acute angle to John street, entering upon John street north of the present residence of Bishop Hamilton, thence to the east side of John street in a cutting not to exceed six feet deep, at a point not more than 200 feet south of Robert street; the John street roadway and sidewalks to be sloped down to the tracks at an easy grade, and to be paved as at present; thence to Catharine street 50 to 150 feet north of Cannon street, in a cutting about three and a half feet deep, and over Cannon street between Catharine and Mary streets; thence crossing Mary street, where the cutting will be about three feet deep, and not more than 100 feet south of Cannon street; thence to Elgin street at or near its intersection with Kelley street, and not more than 100 feet north thereof; thence to and over Ferguson avenue on the level of the Grand Trunk Railway tracks, to a point about midway between Wilson and Kelly streets; thence continuing easterly through the blocks immediately north of Wilson street; thence about parallel to Wilson street across Cathcart street, Wellington street, West avenue, Victoria avenue, East avenue, Emerald, Tisdale and Steven streets at grade or nearly so; thence over Ashley street immediately north of Nightingale street; thence to and across Wentworth street south of Wilson street; thence eastwardly to a point south of Mountain avenue on Sherman avenue, the present eastern city limits, crossing all intervening streets between Wentworth street and Sherman avenue at grade or nearly so, or on an alternate route from Wentworth street at or near the intersection of Wilson street eastwardly to a point north of King street on Sherman avenue, crossing all intervening streets between Wentworth street and Sherman avenue at grade or nearly so. All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner. The railway company shall lay down double tracks from some point west of Bay street to Wentworth street, exclusive of necessary sidings and switches.

The following is the description and specification of the southerly route referred to in this by-law:

The line will extend from a point in the present located and partly graded line of the Toronto, Hamilton and Buffalo Railway on the eastern end of the Marsh (known as Coote's Paradise) and west of the city cemetery and between the

Desjardins canal and said city cemetery; thence southwardly along said Marsh and Beasley's Hollow, crossing King and Main streets overhead by an iron or steel bridge; thence curving to the eastward by an open cutting and crossing Garth street immediately north of Hunter street at a depth of not less than 12 feet below present grade of Garth street; thence continuing eastwardly parallel with Hunter street, and immediately north of it, crossing Poulette street 27 feet below present grade, Locke street 19 feet below, Pearl street 21 feet below, Ray street 21 feet below, and Queen street 20 feet below present grade of Queen street; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen street through the centre of Hunter street passing under Hess, Caroline, Bay, and Park streets to the east side of Park street, where the tunnel ends. The railway will thence continue from the centre line of Hunter street at Park street, along Hunter street, but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of railway as practicable for the use of teams and pedestrians.

The railway company shall wall up the south side of their track between Charles and Park streets, and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles street not more than seven feet below present street grade, and McNab street with a cutting not to exceed three feet; thence along the north half of Hunter street (leaving the south half of said Hunter street for a driveway), crossing James, Hughson and John streets practically at grade; thence curving slightly southward crossing Catharine street and entering upon the block south of Hunter street and between Catharine and Walnut streets not more than 200 feet east of the east side of said Catharine street; thence crossing Walnut, Ferguson avenue, Liberty, Aurora and Wellington streets and West and Victoria avenues, to a point not more than 200 feet immediately north of the Grand Trunk Railway; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway not more than 250 feet from the said railway to Wentworth street thence across Wentworth street and continuing eastwardly to Sherman avenue, the eastern limits of the city, to a point in said Sherman avenue south of Mountain avenue.

Overhead wooden bridges, well and substantially built, the full width of streets, shall be constructed and maintained over Garth, Poulette, Locke, Pearl and Ray streets with the necessary guards and guard rails.

The railway company shall lay down double tracks from some point near Garth street to Wentworth street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues, and all the railway tracks along the surface of the streets on either route are to be made good up to the railway, and planked between and

alongside of the tracks in a substantial and workmanlike manner.

The highway above the tunnel on Hunter street shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the company and to the satisfaction of the city engineer And no part of the tunnel shall be kept open any longer than. is absolutely necessary for its completion.

The company shall, at their own expense, sufficiently protect by watchmen and gates, McNab, James, Hughson and John streets where they are crossed by the railway.

The pipe sewer on Queen street shall, at the crossing of that street by the railway, be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the company, and all sewers and water pipes on the southerly route which may be interfered with by the railway company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the company to the city corporation on demand, and if at the time the company may become entitled to any debentures under the terms of this by-law, any such expenses shall remain unpaid by the company to the city, the amount thereof with interest from the time of demand of payment, may be deducted from such debentures.

Passed this 20th day of September, A.D. 1892.

(Sd.) T. BEASLEY,
City Clerk.

{L. S.}

(Sd.) P. C. BLAICHER,
Mayor.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to ratify and confirm By-lawNo. 468 of Brantford, and By-law No. 638 of Hamilton.

First Reading, 11th April, 1893.
Second " 10th May, 1892.

(*Reprinted as amended by Committee of the Whole House.*)

(Private Bill.)

Mr. GIBSON,
(Hamilton.)

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 28.] BILL. [1893.

An Act respecting the Incorporated Synod of the Diocese of Ontario.

Preamble.

WHEREAS by an Act passed in the 39th year of Her Majesty's reign, chaptered 109, intituled *An Act to amend the Synod and Rectory Sales Act affecting the Diocese of Ontario*, it was, amongst other things, provided that the incorporated synod of the diocese of Ontario should, notwithstanding anything to the contrary contained in an Act of the Parliament of the Province of Upper Canada, passed in the 3rd year of the reign of Her Majesty, Queen Victoria, chaptered 74, and known as *The Church Temporalities Act*, or an Act of the Parliament of the Province of Canada passed in the session held in the 29th and 30th years of Her Majesty's reign, chaptered 15, and known as *The Church Temporalities Amendment Act*, have full power and authority to make by-laws or canons regulating existing vestries and their organizations, and the duties of the churchwardens, and providing for the formation and organization of a vestry in every church erected or to be erected in the said diocese, and also declaring and defining the duties and powers of vestries and of the churchwardens; and whereas the said incorporated synod has, in pursuance of the powers so conferred, enacted a canon respecting vestries and churchwardens and their duties; and whereas doubts have arisen whether churchwardens elected and appointed under the provisions of the said recited Act and of any canon enacted in pursuance thereof have the status and powers conferred by the said Church Temporalities Acts upon churchwardens elected or appointed under the provisions thereof; and whereas the said synod is desirous that it shall have power to invest the funds, under its control and management, in the securities hereinafter mentioned, in addition to those mentioned in the said Act; and whereas the said synod has prayed that relief may be given to them in the premises; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Powers of churchwardens.

1. All churchwardens elected or appointed under the provisions of any canon enacted by the incorporated synod of the diocese of Ontario, under and in exercise of the powers conferred by the said Act passed in the 39th year of Her Majesty's reign, chapter 109, shall, during their term of office, be as a corporation to represent the

interests of the church, station or parish, and the members thereof, by or for which they are elected or appointed, and shall have the status, powers and responsibilities which, by the provisions of the said *Church Temporalities Act* and the said *Church Temporalities Amendment Act*, are conferred or imposed on churchwardens elected or appointed under the provisions of the said Acts, and the provisions of the said Acts, so far as the same can take effect or be applicable, shall apply to all churchwardens elected or appointed, under or in accordance with such canon.

3 V., c. 74.
24 and 30 V., c. 15.

Investment of trust funds of synod.

2. The said incorporated synod of the diocese of Ontario may invest all or any of the funds committed to its care in the bonds or debentures or deposit receipts of any loan company doing business in the Province of Ontario and investing its funds in the security of real estate in the said Province.

No. 28.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Incorporated Synod of the Diocese of Ontario.

First Reading, 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29]. BILL. [1893.

An Act respecting an agreement between the Town of Oshawa and the Oshawa Railway Company, and for other purposes.

Preamble. WHEREAS the town of Oshawa and the Oshawa Railway Company have, by their joint petition, prayed that an Act may be passed confirming and authorizing them to carry out an agreement which they have executed conditionally, a copy of which is contained in schedule "A" to this Act and ratifying and confirming a by-law of the town of Oshawa, numbered 363, to aid the Oshawa Railway Company; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed. 1. The agreement between the town of Oshawa and the Oshawa Railway Company, dated the fifth day of May, 1893, set out in schedule "A" to this Act is hereby approved and ratified and confirmed and declared to be valid and binding on the parties thereto to the same extent and in the same manner as if the several clauses thereof were set out and enacted herein as part of this Act and the execution of said agreement by the corporation of the town of Oshawa is hereby declared to be legal and binding on the said corporation for all the purposes in the said agreement mentioned; and each of the parties thereto may do whatever is necessary to give effect to the substance and intention of the said agreement.

By-law No. 363 of town of Oshawa confirmed. 2. By-law number 363 of the town of Oshawa set forth in schedule "B" to this Act is hereby confirmed and declared legal and valid to all intents and purposes and the debentures to be issued under the said by-law shall be, and the same are hereby declared to be valid, legal and binding upon the corporation of the town of Oshawa and the ratepayers thereof, notwithstanding any Act or law to the contrary.

Irregularities in form not to invalidate debentures and by laws. 3. No irregularity in the form of the said debentures or the by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

SCHEDULE "A."

(*Section 1.*)

This agreement, made this fifth day of May, in the year of our Lord one thousand eight hundred and ninety-three.

By and between :—

The Corporation of the Town of Oshawa, hereinafter called "The Corporation" of the first part, and

The Oshawa Railway Company, hereinafter called "The Company" of the second part.

Whereas the corporation are desirous that the company should proceed to build and put in operation its railway to the extent and on the line approximately shown on a certain map or plan identified by the signatures of the representatives of the respective parties hereto, and which line is to be hereafter approved by the Minister of Railways ;

And whereas the corporation have by its by-law number 363, passed on the 22nd August, 1892, voted to aid the company by a grant of the sum of $15,000.00 ;

And whereas the parties hereto have petitioned the Legislature of Ontario to legalize and confirm the said by-law and this agreement ;

Witnesseth that the parties hereto in consideration of the premises and for the considerations hereinafter mentioned, have and they each hereby do covenant, promise and agree, each for themselves and each for their successors and assigns in the manner following, that is to say :—

1. The corporation covenant and agree with the company, that the company's right of way and tracks, main line, switches, station-houses, engine-houses, and rolling stock the property of the company within the said town of Oshawa shall while the same are used for railway purposes only and during the period of twenty years from the passing of an Act legalizing this agreement be exempt from all taxation in the said town of Oshawa.

2. In constructing and building the said railway as at present projected, or any extension thereof, it shall be lawful for the company to lay down, build and construct their railway along the following streets, that is to say :—Mechanic street, Duke street, Richmond street, Church street, King street west of Mechanic, Mary and Prospect streets, or such of them as may be necessary for said purposes, and such other streets as may be be hereafter agreed on between the parties from time to time ; also to lay down, construct and maintain sidings on such streets ; also to cross any and all streets which it may become necessary to cross in the construction of the company's railway.

3. And the said corporation of the town of Oshawa will, to to the extent of their power as a municipal corporation so to do, hold harmless the said the Oshawa railway company in respect to the said occupation and use of the said streets, or any of them.

4. In the event of any dispute as to the provisions of the the said by-law being complied with, or on the completion of the work or any matter or thing arising from, by or out of the said by-law or this agreement or any of the agreements referred to in the said by-law, or either of them, the same so often as such may arise shall be referred to the arbitration and determination of an officer to be appointed by the Minister of Railways, and his decision made under his hand in writing shall be final and conclusive in the premises.

5. The parties hereto shall and will on their respective parts conform to and in all respects comply with the terms of the said by-law and this agreement.

6. For the purposes of the said by-law and in lieu of the provisions with regard to construction contained in the sixth paragraph thereof, the first section of the proposed railway as defined by such by-law is to be completed in the manner provided for within one year from the passing of the Act hereinafter referred to, the second section within two years after the passing of such Act, and the third section within three years after the passing of such Act.

7. Any deviation of the company's line from that shown on the said map or plan or required or approved by the Minister of Railways shall not affect any of the provisions of such by-law or this agreement.

8. Both parties hereto will use all lawful means to obtain an Act of the Legislature of Ontario making valid this agreement in all respects and legalizing said by-law and the debentures to be issued thereunder.

9. This agreement shall become operative upon the passage of such Act of the Legislature of Ontario and shall be deemed conditional only until the passage of such Act has been obtained.

In witness whereof the parties hereto have to these presents set their corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of

(Sgd.) C. W. SMITH, Town Clerk

Sgd.) WALTER BARWICK.

(Sgd.) W. F. COWAN, Mayor. (Town Seal.)

For the Oshawa railway company,

(Sgd.) R. C. CARTER, General Manager.

(Sgd.) F. S. RATHBUN, Secretary. (Company's Seal.)

SCHEDULE "B."

Oshawa Railway Bonus By-law.

By-law No. 363 of the corporation of the town of Oshawa to aid the Oshawa Railway Company.

Whereas the Oshawa Railway Company propose to construct and operate a line of railway between Port Oshawa, the Oshawa station of the Grand Trunk Railway Company of Canada, and certain points in said town of Oshawa for the carriage of passengers and goods, and it is deemed expedient to aid the said company, by the grant to them by this corporation of the sum of fifteen thousand dollars, either in debentures of the said town bearing interest at five per cent. per annum payable yearly, or in cash, as the said council of said corporation shall decide, by exemption from taxation of certain property of such railway company, and by permitting the said railway company to carry such railway line along and across certain streets of the said town as hereinafter set forth, and to construct and maintain sidings on said streets;

And whereas in order thereto it will be necessary to issue debentures of the said corporation for the sum of fifteen thousand dollars and interest payable as hereinafter provided;

And whereas in order thereto, it will be requisite to raise in each year by special rate for paying such debt and interest in the whole the sum of $1,203.64, and for paying each series of $5,000 each of such debentures, as hereinafter mentioned, the sum of $401.22;

And whereas the amount of the whole rateable property of the municipality or corporation of Oshawa, according to the last revised assessment roll thereof, being that for the year 1892, was the sum of $1,097,870;

And whereas the amount of the existing debenture debt of the said municipality is as follows:—

Principal.....$56,215 00
Interest.....$18,855 23

such interest being computed over the whole period for which the several debentures have to run, none of which is in arrear.

Therefore the council of the corporation of the town of Oshawa enacts as follows:

1. That it shall be lawful for the mayor or head of the corporation of the town of Oshawa to cause debentures to be made and issued for a total of $15,000 principal money. Such debentures to be made and issued in three series of $5,000 of principal money each. Such debentures to be payable yearly on the first day of December for 20 years next after the day hereinafter named from which this by-law is to take effect, such debentures to bear interest from the first day of Decem-

ber, A.D. 1892, at the rate of five per cent. per annum payable yearly, and to have coupons attached to them for the payment of such interest—such debentures to have the seal of such corporation attached thereto and to be signed by the mayor or head of the corporation and the treasurer thereof, and such coupons to be signed by such treasurer, said debentures and coupons to be made payable at the office of said treasurer.

2. That each series of said debentures shall be for the amounts respectively set forth in the schedule "A" hereto.

3. There shall be raised and levied in each year during the currency of such debentures, by an annual special rate on all the rateable property in said corporation, a sum sufficient to discharge the said several instalments of principal and interest due on the said debt or debentures, or on such of such series thereof as may be issued under this by-law as hereinafter fully set out.

4. That this by-law shall take effect on the 1st day of December, A.D. 1892.

5. For the purposes of this by-law the said proposed railway is considered to be divided into three sections, viz.: (Section 1.)—Between the Oshawa Station of the Grand Trunk Railway Company of Canada and connected with the railway of the said The Grand Trunk Railway Company of Canada to a point on King St. at or near the mill on King St. in said town, owned by W. E. Ellis, passing as may be convenient to said Oshawa Railway Company, the Malleable Iron Works, The Stove Foundry, Luke's Cabinet Factory, McLaughlin's Carriage Works, Williams' Piano Factory, Woon's Machine Works, Edmondson's Lumber Yard, Warren's Tannery and the said Ellis Mill. (Section 2.) From the said mill of W. E. Ellis to Edmondson's Mill, passing as may be convenient to said Company the Dingle Works, the Coulthard Scott Co,'s Works, Hare's Foundry, Messrs. John Sykes & Son's Lumber Yard, the Masson Manufacturing Company's Works, Robson & Lauchland's Tannery and said Edmondson's Mill, and following a course generally not east of Union street and Monck street in said town. (Section 3.)—From a point on either of said first sections to a point at or near Port Oshawa.

6. For the purposes of this by-law the said first section is to be completed in a manner hereinafter provided for within one year from the final passing of this by-law, the said second section within six months after the due completion of the said first section, and the third section within one year after the due completion of the said second section.

7. All three said sections are to be respectively built complete and finished and passed as ready for use by the Department of the Minister of Railways and Canals.

8. On the due completion of each of the said sections respectively as aforesaid the said The Oshawa Railway Company, their assigns or appointees, shall be entitled forth-

with to receive from the said corporation—and the said mayor or head is hereby authorized to deliver the same—one of the said series of debentures and interest coupons for the interest thereon since the due completion of such section or sections respectively, or at the option of the council of said corporation the sum of $5,000 and interest at said rate since the completion of the respective section, and in such case the mayor and treasurer are hereby authorized and directed to raise such sums respectively by the sale of the respective series of debentures and pay the same to the said Oshawa Railway Company, their assigns or appointees.

9. Provided, however, that with respect to the first and second sections, before the respective debentures or cash be handed over to the said Oshawa Railway Company, the said company shall enter into an agreement under their corporate seal with the said corporation in and by which they shall undertake and covenant that the said respective sections shall from time to time, and at all times, be worked and run for the carriage of passengers and freight between the said Oshawa station of the Grand Trunk Railway Company and the respective termini of the said sections. And that connection shall be made and trains run by said Oshawa Railway Company between such respective termini and each passenger train of the Grand Trunk Railway Company of Canada which, upon the Grand Trunk Railway Company's time tables, from time to time, may be billed or scheduled to stop at said Oshawa station (Sundays excepted) and that at least one freight train shall be run each way, each day between the said respective termini and the Oshawa station (Sundays excepted) over the said proposed sections when respectively completed.

10. Provided also, however, with respect to the said third section that, before the debentures or cash payment in respect thereof hereunder be handed over to the said the Oshawa Railway Company, the said company shall enter into an agreement under their corporate seal with said corporation in and by which they shall undertake and covenant that the said railway shall from time to time, and at all times, from the first day of May till the first day of November, in each and every year, be worked and run for the carriage of freight between said Port Oshawa and stations on said railway in said town, and for excursion trains for passengers during the summer months, as may be arranged from time to time in such manner as may be advantageous for said company and, for said corporation and the inhabitants of said town, looking to the permanency of said company and its ultimate success, and that each of such agreements shall contain a convenant by said Oshawa Railway Company that they will not remove nor permit to be removed the rails from said proposed railway, nor any part thereof, without the consent of said corporation.

11. The rates of traffic over the said sections of said proposed railway respectively shall be such as may be approved of by the Governor-General in council—but the said Oshawa Railway Company are to convenant and undertake in said agreements, or one of them, to sell over said sections one and two, and between said sections and the Oshawa Station of the Grand Trunk Railway Company of Canada, passenger tickets in books of not less than ten tickets in each book, at the price of one dollar per book of ten tickets and to sell tickets between all stations on section number three and all stations on sections numbers one and two, in books of not less than ten tickets in each book at the price of one 50-100 dollars for each such book of ten tickets—such books to be on sale at the office of the railway company or on their trains.

12. That so far as this corporation has power so to do it is enacted that it shall be lawful for the council of the corporation of the town of Oshawa, in the name of such corporation, to enter into an agreement with the said Oshawa Railway Company, providing in effect that the right of way and track, main line, switches, station house and engine house and rolling stock the property of the said company, situate within the said town shall be for twenty years from the passing of this by-law, exempt from taxation for all railway purposes, and that the said corporation of the said town shall join the said company in an application to parliament for an Act to legalize and confirm this by-law and such agreement.

13. That in constructing and building the said proposed railway it shall be lawful for the said the Oshawa Railway Company to lay down, build and construct their said railway along such streets in said town as may be hereafter agreed on between the said council and the said company from time to time, and to construct and maintain sidings in connection with said railway on said streets, and to cross all streets in said town which it may become necessary to cross in the construction of said railway. And the said corporation of the town of Oshawa will, to the extent of their power as a municipal corporation so to do hold harmless the said the Oshawa Railway Company in respect to the said occupation and use of the said streets or any of them.

14. The said agreement shall contain a proviso that in the event of any dispute as to the provisions of this by-law being complied with, or on the completion of the work, or any matter or thing arising from, by or out of this by-law, or said agreements, or either of them, the same shall, so often as such may arise, be referred to the arbitration and determination of an Officer to be appointed by the Minister of Railways, and his decision made under his hand in writing shall be final and conclusive in the premises.

15. That the votes of the qualified electors on this by-law shall be taken on Tuesday, the 9th day of August, 1892, between the hours of 9 o'clock in the forenoon, when the polls hereinafter mentioned shall be opened, and 5 o'clock in the afternoon, at which time the polls shall be closed.

The clerk of this municipality is hereby appointed returning officer to take such votes and such polling places therefor, and deputy-returning officers thereat, are hereby respectively appointed as follows:—

For the north-west ward, the council room, deputy-returning-officer, Thomas Morris.

For the north-east ward, the Mary street school, deputy-returning officer, L. C. Hall.

For the south-west ward, the Sons' hall, deputy-returning officer, G. Beck.

For the south-east ward, the Albert street school house, deputy-returning officer, H. Carswell.

That on the 10th day of August, 1892, at 12 o'clock noon, at the council chamber, the said clerk shall sum up the votes given for and against this by-law.

16. That on the 5th day of August, 1892, at 12 o'clock noon at the said council room is hereby fixed for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and desirous of opposing the passage of this by-law:

SCHEDULE "A."

Referred to in the annexed by-law of the corporation of the town of Oshawa. No.— in aid of the Oshawa Railway Company, showing the amounts to be paid in each year to redeem each series of $5,000 each of the debentures to the total amount of $15,000, to be issued under said by-law.

	Year.	Interest.	Principal.	Total.
1	1893	$250 00	$151 22	$401 22
2	1894	242 45	158 77	401 22
3	1895	234 52	166 70	401 22
4	1896	226 15	175 07	401 22
5	1897	217 40	183 82	401 22
6	1898	208 23	192 99	401 22
7	1899	198 52	202 70	401 22
8	1900	188 42	212 80	401 22
9	1901	177 78	223 44	401 22
10	1902	166 62	234 60	401 22
11	1903	154 87	246 35	401 22
12	1904	142 57	258 65	401 22
13	1905	129 62	271 60	401 22
14	1906	116 04	285 18	401 22
15	1907	101 80	299 42	401 22
16	1908	86 85	314 37	401 22
17	1909	71 12	330 10	401 22
18	1910	54 60	346 62	401 22
19	1911	37 75	363 45	401 22
20	1912	19 07	382 15	401 22
			$5,000 00	

Municipality of Oshawa. }
To Wit : }

Notice is hereby given that the above is a true copy of a proposed by-law which has been taken into consideration by and will be finally passed by the council of the corporation of the town of Oshawa, in the event of the assent of the electors being obtained thereto after one month from the first publication thereof in the *Oshawa Vindicator* newspaper, which first publication was on the 13th day of July, 1892, and that at the hour, day and place in said by-law fixed for taking the votes of the qualified electors thereon the polls will be held as therein fully set out.

Dated the 13th day of July, 1892.

C. W. Smith,
Clerk of the Council of the Corporation,
Town of Oshawa.

Certified to be correct copy. }
C. W. Smith, }
Town Clerk. }

Read third time and passed 22nd August, 1892.

2—29

No. 29.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting an agreement between the Town of Oshawa and the Oshawa Railway Company, and for other purposes.

First Reading, 3rd May, 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29]. BILL. [1893.

An Act respecting an agreement between the Town of Oshawa and the Oshawa Railway Company, and for other purposes.

Preamble.

WHEREAS the town of Oshawa and the Oshawa Railway Company have, by their joint petition, prayed that an Act may be passed confirming and authorizing them to carry out an agreement which they have executed conditionally, a copy of which is contained in schedule "A" to this Act and ratifying and confirming a by-law of the town of Oshawa, numbered 363, to aid the Oshawa Railway Company; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement confirmed.

1. The agreement between the town of Oshawa and the Oshawa Railway Company, dated the fifth day of May, 1893, set out in schedule "A" to this Act is hereby ratified and confirmed and declared to be valid and binding on the parties thereto to the same extent and in the same manner as if the several clauses thereof were set out and enacted herein as part of this Act and the execution of said agreement by the corporation of the town of Oshawa is hereby declared to be legal and binding on the said corporation for all the purposes in the said agreement mentioned.

By-law No. 363 of town of Oshawa confirmed.

☞2. Subject to the terms of the said agreement and as thereby varied ☜ by-law number 363 of the town of Oshawa set forth in schedule "B" to this Act is hereby confirmed and declared legal and valid to all intents and purposes and the debentures to be issued under the said by-law shall be, and the same are hereby declared to be valid, legal and binding upon the corporation of the town of Oshawa and the ratepayers thereof, notwithstanding any Act or law to the contrary; ☞ but nothing herein or in the said by-law contained shall be held to exempt the said company from payment of rates for school purposes. ☜

Irregularities in form not to invalidate debentures and by laws.

3. No irregularity in the form of the said debentures or the by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

SCHEDULE "A."

(*Section 1.*)

This agreement, made this fifth day of May, in the year of our Lord one thousand eight hundred and ninety-three.

By and between :—

The Corporation of the Town of Oshawa, hereinafter called "The Corporation" of the first part, and

The Oshawa Railway Company, hereinafter called "The Company" of the second part.

Whereas the corporation are desirous that the company should proceed to build and put in operation its railway to the extent and on the line approximately shown on a certain map or plan identified by the signatures of the representatives of the respective parties hereto, and which line is to be hereafter approved by the Minister of Railways ;

And whereas the corporation have by its by-law number 363, passed on the 22nd August, 1892, voted to aid the company by a grant of the sum of $15,000.00 ;

And whereas the parties hereto have petitioned the Legislature of Ontario to legalize and confirm the said by-law and this agreement ;

Witnesseth that the parties hereto in consideration of the premises and for the considerations hereinafter mentioned, have and they each hereby do covenant, promise and agree, each for themselves and each for their successors and assigns in the manner following, that is to say :—

1. The corporation covenant and agree with the company, that the company's right of way and tracks, main line, switches, station-houses, engine-houses, and rolling stock the property of the company within the said town of Oshawa shall while the same are used for railway purposes only and during the period of twenty years from the passing of an Act legalizing this agreement be exempt from all taxation in the said town of Oshawa.

2. In constructing and building the said railway as at present projected, or any extension thereof, it shall be lawful for the company to lay down, build and construct their railway along the following streets, that is to say :—Mechanic street, Duke street, Richmond street, Church street, King street west of Mechanic, Mary and Prospect streets, or such of them as may be necessary for said purposes, and such other streets as may be be hereafter agreed on between the parties from time to time ; also to lay down, construct and maintain sidings on such streets ; also to cross any and all streets which it may become necessary to cross in the construction of the company's railway.

3. And the said corporation of the town of Oshawa will, to to the extent of their power as a municipal corporation so to do, hold harmless the said the Oshawa railway company in respect to the said occupation and use of the said streets, or any of them.

4. In the event of any dispute as to the provisions of the the said by-law being complied with, or on the completion of the work or any matter or thing arising from, by or out of the said by-law or this agreement or any of the agreements referred to in the said by-law, or either of them, the same so often as such may arise shall be referred to the arbitration and determination of an officer to be appointed by the Minister of Railways, and his decision made under his hand in writing shall be final and conclusive in the premises.

5. The parties hereto shall and will on their respective parts conform to and in all respects comply with the terms of the said by-law and this agreement.

6. For the purposes of the said by-law and in lieu of the provisions with regard to construction contained in the sixth paragraph thereof, the first section of the proposed railway as defined by such by-law is to be completed in the manner provided for within one year from the passing of the Act hereinafter referred to, the second section within two years after the passing of such Act, and the third section within three years after the passing of such Act.

7. Any deviation of the company's line from that shown on the said map or plan or required or approved by the Minister of Railways shall not affect any of the provisions of such by-law or this agreement.

8. Both parties hereto will use all lawful means to obtain an Act of the Legislature of Ontario making valid this agreement in all respects and legalizing said by-law and the debentures to be issued thereunder.

9. This agreement shall become operative upon the passage of such Act of the Legislature of Ontario and shall be deemed conditional only until the passage of such Act has been obtained

In witness whereof the parties hereto have to these presents set their corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of

(Sgd.) C. W. SMITH, Town Clerk.

Sgd.) WALTER BARWICK.

(Sgd.) W. F. COWAN, Mayor. (Town Seal.)

For the Oshawa railway company,

(Sgd.) R. C. CARTER, General Manager.

(Sgd.) F. S. RATHBUN, Secretary. (Company's Seal.)

SCHEDULE "B."

Oshawa Railway Bonus By-law.

By-law No. 363 of the corporation of the town of Oshawa to aid the Oshawa Railway Company.

Whereas the Oshawa Railway Company propose to construct and operate a line of railway between Port Oshawa, the Oshawa station of the Grand Trunk Railway Company of Canada, and certain points in said town of Oshawa for the carriage of passengers and goods, and it is deemed expedient to aid the said company, by the grant to them by this corporation of the sum of fifteen thousand dollars, either in debentures of the said town bearing interest at five per cent. per annum payable yearly, or in cash, as the said council of said corporation shall decide, by exemption from taxation of certain property of such railway company, and by permitting the said railway company to carry such railway line along and across certain streets of the said town as hereinafter set forth, and to construct and maintain sidings on said streets;

And whereas in order thereto it will be necessary to issue debentures of the said corporation for the sum of fifteen thousand dollars and interest payable as hereinafter provided;

And whereas in order thereto, it will be requisite to raise in each year by special rate for paying such debt and interest in the whole the sum of $1,203.64, and for paying each series of $5,000 each of such debentures, as hereinafter mentioned, the sum of $401.22;

And whereas the amount of the whole rateable property of the municipality or corporation of Oshawa, according to the last revised assessment roll thereof, being that for the year 1892, was the sum of $1,097,870;

And whereas the amount of the existing debenture debt of the said municipality is as follows:—

Principal	$56,215 00
Interest	$18,855 23

such interest being computed over the whole period for which the several debentures have to run, none of which is in arrear

Therefore the council of the corporation of the town of Oshawa enacts as follows:

1. That it shall be lawful for the mayor or head of the corporaton of the town of Oshawa to cause debentures to be made and issued for a total of $15,000 principal money. Such debentures to be made and issued inthree series of $5,000 of principal money each. Such debentures to be payable yearly on the first day of December for 20 years next after the day hereinafter named from which this by-law is to take effect, such debentures to bear interest from the first day of Decem-

ber, A.D. 1892, at the rate of five per cent. per annum payable yearly, and to have coupons attached to them for the payment of such interest—such debentures to have the seal of such corporation attached thereto and to be signed by the mayor or head of the corporation and the treasurer thereof, and such coupons to be signed by such treasurer, said debentures and coupons to be made payable at the office of said treasurer.

2. That each series of said debentures shall be for the amounts respectively set forth in the schedule "A" hereto.

3. There shall be raised and levied in each year during the currency of such debentures, by an annual special rate on all the rateable property in said corporation, a sum sufficient to discharge the said several instalments of principal and interest due on the said debt or debentures, or on such of such series thereof as may be issued under this by-law as hereinafter fully set out.

4. That this by-law shall take effect on the 1st day of December, A.D. 1892.

5. For the purposes of this by-law the said proposed railway is considered to be divided into three sections, viz.: (Section 1.)—Between the Oshawa Station of the Grand Trunk Railway Company of Canada and connected with the railway of the said The Grand Trunk Railway Company of Canada to a point on King St. at or near the mill on King St. in said town, owned by W. E. Ellis, passing as may be convenient to said Oshawa Railway Company, the Malleable Iron Works, The Stove Foundry, Luke's Cabinet Factory, McLaughlin's Carriage Works, Williams' Piano Factory, Woon's Machine Works, Edmondson's Lumber Yard, Warren's Tannery and the said Ellis Mill. (Section 2.) From the said mill of W. E. Ellis to Edmondson's Mill, passing as may be convenient to said Company the Dingle Works, the Coulthard Scott Co,'s Works, Hare's Foundry, Messrs. John Sykes & Son's Lumber Yard, the Masson Manufacturing Company's Works, Robson & Lauchland's Tannery and said Edmondson's Mill, and following a course generally not east of Union street and Monck street in said town. (Section 3.)—From a point on either of said first sections to a point at or near Port Oshawa.

6. For the purposes of this by-law the said first section is to be completed in a manner hereinafter provided for within one year from the final passing of this by-law, the said second section within six months after the due completion of the said first section, and the third section within one year after the due completion of the said second section.

7. All three said sections are to be respectively built complete and finished and passed as ready for use by the Department of the Minister of Railways and Canals.

8. On the due completion of each of the said sections respectively as aforesaid the said The Oshawa Railway Company, their assigns or appointees, shall be entitled forth-

with to receive from the said corporation—and the said mayor or head is hereby authorized to deliver the same—one of the said series of debentures and interest coupons for the interest thereon since the due completion of such section or sections respectively, or at the option of the council of said corporation the sum of $5,000 and interest at said rate since the completion of the respective section, and in such case the mayor and treasurer are hereby authorized and directed to raise such sums respectively by the sale of the respective series of debentures and pay the same to the said Oshawa Railway Company, their assigns or appointees.

9. Provided, however, that with respect to the first and second sections, before the respective debentures or cash be handed over to the said Oshawa Railway Company, the said company shall enter into an agreement under their corporate seal with the said corporation in and by which they shall undertake and covenant that the said respective sections shall from time to time, and at all times, be worked and run for the carriage of passengers and freight between the said Oshawa station of the Grand Trunk Railway Company and the respective termini of the said sections. And that connection shall be made and trains run by said Oshawa Railway Company between such respective termini and each passenger train of the Grand Trunk Railway Company of Canada which, upon the Grand Trunk Railway Company's time tables, from time to time, may be billed or scheduled to stop at said Oshawa station (Sundays excepted) and that at least one freight train shall be run each way, each day between the said respective termini and the Oshawa station (Sundays excepted) over the said proposed sections when respectively completed.

10. Provided also, however, with respect to the said third section that, before the debentures or cash payment in respect thereof hereunder be handed over to the said the Oshawa Railway Company, the said company shall enter into an agreement under their corporate seal with said corporation in and by which they shall undertake and covenant that the said railway shall from time to time, and at all times, from the first day of May till the first day of November, in each and every year, be worked and run for the carriage of freight between said Port Oshawa and stations on said railway in said town, and for excursion trains for passengers during the summer months, as may be arranged from time to time in such manner as may be advantageous for said company and, for said corporation and the inhabitants of said town, looking to the permanency of said company and its ultimate success, and that each of such agreements shall contain a convenant by said Oshawa Railway Company that they will not remove nor permit to be removed the rails from said proposed railway, nor any part thereof, without the consent of said corporation.

11. The rates of traffic over the said sections of said proposed railway respectively shall be such as may be approved of by the Governor-General in council—but the said Oshawa Railway Company are to convenant and undertake in said agreements, or one of them, to sell over said sections one and two, and between said sections and the Oshawa Station of the Grand Trunk Railway Company of Canada, passenger tickets in books of not less than ten tickets in each book, at the price of one dollar per book of ten tickets and to sell tickets between all stations on section number three and all stations on sections numbers one and two, in books of not less than ten tickets in each book at the price of one 50-100 dollars for each such book of ten tickets—such books to be on sale at the office of the railway company or on their trains.

12. That so far as this corporation has power so to do it is enacted that it shall be lawful for the council of the corporation of the town of Oshawa, in the name of such corporation, to enter into an agreement with the said Oshawa Railway Company, providing in effect that the right of way and track, main line, switches, station house and engine house and rolling stock the property of the said company, situate within the said town shall be for twenty years from the passing of this by-law, exempt from taxation for all railway purposes, and that the said corporation of the said town shall join the said company in an application to parliament for an Act to legalize and confirm this by-law and such agreement.

13. That in constructing and building the said proposed railway it shall be lawful for the said the Oshawa Railway Company to lay down, build and construct their said railway along such streets in said town as may be hereafter agreed on between the said council and the said company from time to time, and to construct and maintain sidings in connection with said railway on said streets, and to cross all streets in said town which it may become necessary to cross in the construction of said railway. And the said corporation of the town of Oshawa will, to the extent of their power as a municipal corporation so to do hold harmless the said the Oshawa Railway Company in respect to the said occupation and use of the said streets or any of them.

14. The said agreement shall contain a proviso that in the event of any dispute as to the provisions of this by-law being complied with, or on the completion of the work, or any matter or thing arising from, by or out of this by-law, or said agreements, or either of them, the same shall, so often as such may arise, be referred to the arbitration and determination of an Officer to be appointed by the Minister of Railways, and his decision made under his hand in writing shall be final and conclusive in the premises.

15. That the votes of the qualified electors on this by-law shall be taken on Tuesday, the 9th day of August, 1892, between the hours of 9 o'clock in the forenoon, when the polls hereinafter mentioned shall be opened, and 5 o'clock in the afternoon, at which time the polls shall be closed.

The clerk of this municipality is hereby appointed returning officer to take such votes and such polling places therefor, and deputy-returning officers thereat, are hereby respectively appointed as follows:—

For the north-west ward, the council room, deputy-returning-officer, Thomas Morris.

For the north-east ward, the Mary street school, deputy-returning officer, L. C. Hall.

For the south-west ward, the Sons' hall, deputy-returning officer, G. Beck.

For the south-east ward, the Albert street school house, deputy-returning officer, H. Carswell.

That on the 10th day of August, 1892, at 12 o'clock noon, at the council chamber, the said clerk shall sum up the votes given for and against this by-law.

16. That on the 5th day of August, 1892, at 12 o'clock noon at the said council room is hereby fixed for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and desirous of opposing the passage of this by-law:

SCHEDULE "A."

Referred to in the annexed by-law of the corporation of the town of Oshawa. No.— in aid of the Oshawa Railway Company, showing the amounts to be paid in each year to redeem each series of $5,000 each of the debentures to the total amount of $15,000, to be issued under said by-law.

	Year.	Interest.	Principal.	Total.
1	1893	$250 00	$151 22	$401 22
2	1894	242 45	158 77	401 22
3	1895	234 52	166 70	401 22
4	1896	226 15	175 07	401 22
5	1897	217 40	183 82	401 22
6	1898	208 23	192 99	401 22
7	1899	198 52	202 70	401 22
8	1900	188 42	212 80	401 22
19	1901	177 78	223 44	401 22
10	1902	166 62	234 60	401 22
11	1903	154 87	246 35	401 22
12	1904	142 57	258 65	401 22
13	1905	129 62	271 60	401 22
14	1906	116 04	285 18	401 22
15	1907	101 80	299 42	401 22
16	1908	86 85	314 37	401 22
17	1909	71 12	330 10	401 22
18	1910	54 60	346 62	401 22
19	1911	37 75	363 45	401 22
20	1912	19 07	382 15	401 22
			$5,000 00	

No. 29.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting an agreement between the Town of Oshawa and the Oshawa Railway Company, and or other purposes.

First Reading, 3rd May, 1893.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 30.] BILL. [1893.

An Act to incorporate the Pembroke Southern Railway Company.

Preamble.

WHEREAS the construction of a railway from a point at or near the town of Pembroke, in the county of Renfrew, through the townships of Pembroke, Stafford and Bromley, in the said county of Renfrew, to a point at or near the village of Douglas in said township of Bromley is desirable; and whereas the persons hereinafter named have by their petition prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William B. McAllister, Thomas Hale, William Murray, Robert C. Miller, Joseph A. Thibodeau, Cornelius Chapman, Richard W. Kenning, Francois E. Fortin, Thomas Pink, Thomas Murray, Narcisse B. Geroux, Thomas H. Moffat, John G. Forgie, Alexander Miller, Alexander Gordon, Louis Chenier, John P. Millar and Robert Russell, all of the town of Pembroke, William Moffat and Henry Jamieson, both of the township of Pembroke, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Pembroke Southern Railway Company."

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a railway from a point at or near the town of Pembroke in the county of Renfrew, through the townships of Pembroke, Stafford and Bromley to a point at or near the village of Douglas, in said township of Bromley.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional directors.

4. The said William B. McAllister, Thomas Hale, William Moffat, Joseph A. Thibodeau, Henry Jamieson, Alexander Gordon, Francois E. Fortin, Thomas Murray and Alexander Millar, hereinbefore mentioned, with power to add to their number, shall be and are hereby constituted a board of pro-

visional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the said town of Pembroke, or at such other place as may best suit the interests of the said company.

Rev. Stat. c. 170.

Form of conveyance of land.

6. Conveyances of land to the said company for the purposes of this Act made in the form set forth in the Schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof.

Subscriptions not binding until approved.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 170.

9. The capital stock of the company hereby incorporated shall be $500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into five thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for the making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaing of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First general meeting.

10. When and as soon as shares to the amount of $25,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said town of Pembroke of the time, place and purpose of said meeting.

Election of directors.

11. At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting have so paid up ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, which said directors shall constitute a

board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario.*

Rev. Stat. c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

Calls.

13. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company.

Subsequent annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Pembroke or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said town of Pembroke during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities

17. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or

be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (*as the case may be*) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Mode of submitting bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V. c. 42.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Requisites of bonus by-laws.

19. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (*as the case may be*) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (*as the case may be*) an

annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

When aid granted by county and minor municipalities object.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Minor municipality, meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit for expenses of submitting by-law.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law approved by electors council to pass same.

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

When aid granted by portion of a township.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of 55 V. c. 42.

26. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement of work.

27. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time, provided that no such extension shall be for a longer period than one year at a time.

Rate for not more than three cents on dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Exemption from taxation.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Municipalities may grant lands to railways.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Taking materials for construction of road,

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings for gravel pits.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may inter-

vene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

35 The said company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in each case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures.

Trusts of proceeds of debentures.

37. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to the time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Pembroke Southern Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

38. The trustees shall be entitled to their reasonable fees and charges from said trust funds, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds authorized.

39. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.

Negotiable instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secre-

tary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to pledge bonds.

41. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Power to make contracts as to use of rolling stock, etc.

42. It shall be lawful for the directors of the company to enter into any agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into any agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Power to amalgamate with certain railways.

43. The said company is authorized and empowered to make necessary arrangements to contract and agree with the Atlantic and North-west Railway Company or the Ottawa, Arnprior and Parry Sound Railway Company, or either of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Running arrangements with other lines.

44. The said company shall have power to agree for connections and make running arrangements with the Atlantic and North-west railway company and the Ottawa, Arnprior and Parry Sound railway company, or either of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway companies or either of them, if lawfully authorized to enter into such an agreement, for the sale of leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or

hiring any locomotive, tenders, plant or rolling stock or other property of either or both or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this province.

Telegraph and telephone lines.

45. The said company may also construct an electric telegraph line and telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the revised statutes of Ontario, 1887, are hereby conferred upon the said company.

Rights of aliens.

46. Aliens, and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company.

Transfer of shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to acquire lands for warehouses, etc.

48. The said company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to collect back charges on goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may

come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commencement and completion of line.

50. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

Incorporation of certain provisions of Rev. Stat. c. 170.

51. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof, so incorporated with this Act.

SCHEDULE "A."

(Section 6.)

Know all men by these presents that I (*or* we) (*insert thenames of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Pembroke Southern Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purpose of their railway, to hold with the appurtenances unto the said The Pembroke Southern Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our dower) in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 18 .

Signed, sealed and delivered in presence of } [L.S.]

SCHEDULE "B."

(*Section 37.*)

THE PEMBROKE SOUTHERN RAILWAY COMPANY'S OFFICE.

No.

Chief Engineer's Certificate. A.D. 18 .

Certificate to be attached to cheques drawn on the Pembroke Southern Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, chief engineer of the Pembroke Southern Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of 18 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 30.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Pembroke Southern Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. BARR.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 30.] BILL. [1893.

An Act to incorporate The Pembroke Southern Railway Company.

Preamble.

WHEREAS the construction of a railway from a point at or near the town of Pembroke, in the county of Renfrew, through the townships of Pembroke, Stafford and Bromley, in the said county of Renfrew, to a point at or near the village of Douglas in said township of Bromley is desirable; and whereas the persons hereinafter named have by their petition prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William B. McAllister, Thomas Hale, William Murray, Robert C. Miller, Joseph A. Thibodeau, Cornelius Chapman, Richard W. Kenning, Francois E. Fortin, Thomas Pink, Thomas Murray, Narcisse B. Geroux, Thomas H. Moffat, John G. Forgie, Alexander Miller, Alexander Gordon, Louis Chenier, John P. Millar and Robert Russell, all of the town of Pembroke, *and* William Moffat and Henry Jamieson, both of the township of Pembroke, together with all such *other* persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Pembroke Southern Railway Company."

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a railway from a point at or near the town of Pembroke in the county of Renfrew, through the townships of Pembroke, Stafford and Bromley, *in the said county of Renfrew*, to a point at or near the village of Douglas, in said township of Bromley.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional directors.

4. The said William B. McAllister, Thomas Hale, William Moffat, Joseph A. Thibodeau, Henry Jamieson, Alexander Gordon, Francois E Fortin, Thomas Murray and Alexander Millar, shall be and are hereby constituted a board of pro-

visional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the town of Pembroke, *in the County of Renfrew*, or at such other place as may best suit the interests of the said company

Rev. Stat. c. 170.

Form of conveyance of land.

6. Conveyances of land to the said company for the purposes of this Act made in the form set forth in the Schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof.

Subscriptions not binding until approved.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription

8. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to railway.

9. The capital stock of the company hereby incorporated shall be *$250,000* (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into *two thousand five hundred* shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaing of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock. Capital stock. Rev. Stat. c. 170.

10. When and as soon as shares to the amount of *$50,000* of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said town of Pembroke of the time, place and purpose of said meeting. First general meeting.

11. At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting have so paid up ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, which said directors shall constitute a Election of directors.

board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario.*

Rev. Stat. c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

Calls.

13. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company.

Subsequent annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Pembroke or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said town of Pembroke during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities

17. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or

be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of *the* municipality (*as the case may be*) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Mode of submitting bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V. c. 42.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Requisites of bonus by-laws.

19. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (*as the case may be*) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (*as the case may be*) an

annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

When aid granted by county and minor municipalities object.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the *said* by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the *said* petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Minor municipality, meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit for expenses of submitting by-law.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law approved by electors council to pass same.

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. When aid granted by portion of a township.

26. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of 55 V. c. 42.

27. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for *the* commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time: provided that no *such* extension shall be for a longer period than one year. Extension of time for commencement of work.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time: provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. Rate for not more than three cents on dollar valid.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Exemption from taxation.

Municipalities may grant lands to railways.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Taking materials for construction of road,

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the *said* company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings for gravel pits.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may inter-

vene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

35 The said company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in *either* case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures.

Trusts of proceeds of debentures.

37. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to the time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Pembroke Southern Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds authorized.

39. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.

Negotiable instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill *of exchange* made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secre-

tary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to pledge bonds.

41. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Power to make contracts as to use of rolling stock, etc.

42. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into any agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Power to amalgamate with certain railways.

43. The said company is authorized and empowered to make necessary arrangements to contract and agree with the Atlantic and North-west Railway Company or the Ottawa, Arnprior and Parry Sound Railway Company, or either of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Running arrangements with other lines.

44. The said company shall have power to agree for connections and make running arrangements with the Atlantic and North-west Railway Company and the Ottawa, Arnprior and Parry Sound Railway Company, or either of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or

hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by *the* one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of *the Province of Ontario.*

Telegraph and telephone lines.

45. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies,* being chapter 158 of the revised statutes of Ontario, 1887, are hereby conferred upon the said company.

Rights of aliens.

46. Aliens, and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company.

Transfer of shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to acquire lands for warehouses, etc.

48. The said company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to collect back charges on goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may

come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commencement and completion of line.

50. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

Power to contract for construction and equipment of line.

51. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

Incorporation of certain provisions of Rev. Stat. c. 170.

52. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof, so incorporated with this Act.

SCHEDULE "A."

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Pembroke Southern Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purpose of their railway, to hold with the appurtenances unto the said The Pembroke Southern Railway

Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our dower) in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 18

Signed, sealed and delivered in presence of } [L.S.]

SCHEDULE "B."

(*Section 37.*)

CHIEF ENGINEER'S CERTIFICATE.

THE PEMBROKE SOUTHERN RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department.* A.D. 18

Certificate to be attached to cheques drawn on The Pembroke Southern Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, chief engineer of The Pembroke Southern Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of 18 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 30.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate The Pembroke Southern Railway Company.

First Reading, 11th April, 1893.

Reprinted as amended by the Railway Committee.

(Private Bill.)

Mr. BARR.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 31.] BILL. [1893.

An Act to enable the City of Brantford to issue certain Debentures to retire the Debentures issued for the payment of the Municipal Loan Fund indebtedness.

Preamble.

WHEREAS the corporation of the city of Brantford have by their petition represented that the debentures issued to retire the municipal loan fund indebtedness of the said corporation amounting to the sum of £39,800 sterling, will fall due on the 31st day of August, 1893; and whereas no provision has been made by way of sinking fund or otherwise for the payment of the said debentures; and whereas the said corporation have recently expended large sums of money in the construction of waterworks and sewers and school buildings and for other improvements; and whereas the said corporation have represented that the payments to be made on the present debenture debt and the said municipal loan fund debt would be oppressive to the ratepayers unless time for the payment of the latter is extended beyond the time provided by *The Consolidated Municipal Act, 1892*, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. The said corporation of the city of Brantford are hereby authorized and empowered to pass a by law or by-laws providing for the issue by the said corporation of debentures, under its corporate seal, signed by the mayor and countersigned by the treasurer for the time being in sums not less than $100 each, to raise a sufficient sum on the credit of the debentures, by this Act and the by-law or by-laws to be passed thereunder, authorized to be issued to retire the said debentures amounting to £39,800 sterling.

Payment of debentures and interest.

2. The principal sum secured by the said debentures and interest thereon may be made payable either in this Province or in Great Britain or elsewhere, and coupons shall be attached thereto for the payment of the interest thereon; and such interest thereon not exceeding four per cent, per annum shall be payable half yearly, according to the coupons attached thereto and at the time and place mentioned therein.

Term of debentures.

3. The said debentures or any of them may be made payable at a time not exceeding forty years from the coming into effect of the by-law or by-laws authorizing the issue thereof as the said by-law or by-laws may provide.

Power to raise money on debentures.

4. The said corporation may raise money either in Canada or Great Britain or elsewhere by the sale or hypothecation of the said new debentures as they may deem expedient for the purpose of retiring the said outstanding debentures, or the treasurer of the corporation may, after the maturity of the said last named debentures, upon receiving instructions from the council from time to time to that end, call in the same or any part thereof and discharge the same with funds raised by the sale or hypothecation of the said new debentures or may with the consent of the holders thereof substitute therefor the said new debentures or any of them so authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created by such by-law and the interest thereon shall have been paid and satisfied.

Assent of electors not required.

6. It shall not be necessary to obtain the consent of the electors of the City of Brantford to the passing of any by-law under the provisions of this Act or to observe the formalities in relation thereto prescribed in the *Consolidated Municipal Act, 1892.*

55 Vict., c. 42.

Special rate.

7. For the payment of the principal money of the debentures issued under this Act and interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year, to pay the interest and form a sinking fund which compounded half-yearly at four per cent. will be sufficient to pay such principal money.

Irregularities in form not to invalidate debentures.

8. No irregularity, either in the form of the said debentures or of the by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

No. 31.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the City of Brantford to issue certain Debentures to retire the Debentures issued for the payment of the Municipal Loan Fund Indebtedness

First Reading, , 1893.

(Private Bill.)

Mr. WOOD
(*Brant.*)

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 31.] **BILL.** [1893.

An Act respecting the Debenture Debt of the City of Brantford.

Preamble.

WHEREAS the corporation of the city of Brantford have by their petition represented that the debentures issued to retire the municipal loan fund indebtedness of the said corporation amounting to the sum of £39,800 sterling, will fall due on the 31st day of August, 1893; and whereas no provision has been made by way of sinking fund or otherwise for the payment of the said debentures; and whereas the said corporation have recently expended large sums of money in the construction of waterworks and sewers and school buildings and for other improvements; and whereas the said corporation have represented that the payments to be made on the present debenture debt and the said municipal loan fund debt would be oppressive to the ratepayers unless time for the payment of the latter is extended and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. The said corporation of the city of Brantford are hereby authorized and empowered to pass a by law or by-laws providing for the issue by the said corporation of debentures, under its corporate seal, signed by the mayor and countersigned by the treasurer for the time being in sums not less than $100 each, to raise a sufficient sum on the credit of the debentures, by this Act and the by-law or by-laws to be passed thereunder, authorized to be issued to retire the said debentures amounting to £39,800 sterling.

Payment of debentures and interest.

2. The principal sum secured by the said debentures and interest thereon may be made payable either in this Province or in Great Britain or elsewhere, and coupons shall be attached thereto for the payment of the interest thereon; and such interest thereon not exceeding four per cent, per annum shall be payable half yearly, according to the coupons attached thereto and at the time and place mentioned therein.

Term of debentures.

3. The said debentures or any of them may be made payable at a time not exceeding forty years from the coming into effect of the by-law or by-laws authorizing the issue thereof as the said by-law or by-laws may provide.

Power to raise money on debentures.

4. The said corporation may raise money either in Canada or Great Britain or elsewhere by the sale or hypothecation of the said new debentures as they may deem expedient for the purpose of retiring the said outstanding debentures, or the treasurer of the corporation may, after the maturity of the said last named debentures, upon receiving instructions from the council from time to time to that end, call in the same or any part thereof and discharge the same with funds raised by the sale or hypothecation of the said new debentures or may with the consent of the holders thereof substitute therefor the said new debentures or any of them so authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created by such by-law and the interest thereon shall have been paid and satisfied.

Assent of electors not required.

55 Vict., c. 42.

6. It shall not be necessary to obtain the consent of the electors of the City of Brantford to the passing of any by-law under the provisions of this Act or to observe the formalities in relation thereto prescribed in the *Consolidated Municipal Act, 1892.*

Special rate.

7. For the payment of the principal money of the debentures issued under this Act and interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year, to pay the interest and form a sinking fund which compounded half-yearly at four per cent. will be sufficient to pay such principal money.

Irregularities in form not to invalidate debentures.

8. No irregularity, either in the form of the said debentures or of the by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

No. 31.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Debenture Debt of the City of Brantford.

First Reading, , 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. WOOD
(*Brant.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 32.] BILL. [1893.

An Act to incorporate the Niagara and St. Mary Rivers Railway Company.

Preamble. WHEREAS the parties hereinafter named have by their petition represented that it is desirable that a railway be constructed from a point at or near the Falls of Niagara, in the County of Lincoln, or some other point on the Niagara river passing through the counties of Welland, Lincoln, Wentworth, Halton, Peel, York, Simcoe, Muskoka, Parry Sound, Nipissing, and Algoma, to the town of Sault Ste. Marie or some other point on the river St. Mary, and with power to build a branch or line of railway from the said line at or near the village of Weston in the county of York into the city of Toronto, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. James Saurin McMurray, George Goldwin Smith Lindsey, Henry Stewart Crewe, William Lyon Mackenzie Lindsey, Leonard Leathes McMurray and Philip John Strathy, all of the city of Toronto in the county of York, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of "The Niagara and St. Mary Rivers Railway Company.

Location of line. 2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway from a point at or near the Falls of Niagara in the county of Lincoln or some other point on the said river passing through the counties of Welland, Lincoln, Wentworth, Halton, Peel, York, Simcoe, Muskoka, Parry Sound, Nipissing and Algoma, to the town of Sault Ste. Marie or some other point on the river St. Mary, and with power to build a branch or line of railway from their said line at or near the village of Weston in the county of York into the city of Toronto.

Gauge of railway. 3. The said railway shall be constructed of any gauge and the said railway company may build, operate and use its said railway in sections as found necessary from time to time.

Provisional directors.

4. James Saurin McMurray, George Goldwin Smith Lindsey, Henry Stewart Crewe, William Lyon Mackenzie Lindsey, Leonard Leathes McMurray and Philip John Strathy, all of the city of Toronto in the county of York, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Toronto, or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 170.

Meeting of provisional directors, where held.

Form of conveyance.

6 Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions not binding until approved and ten per cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money, debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c. 170.

9. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors.

10. When and as soon as shares to the amount of $100,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in *The Ontario Gazette*, and in one or more newspapers published in the city of Toronto in the said county of York, of the time, place and purpose of said meeting.

Number of directors and quorum.

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons, as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat., c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in bonds or stock.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in two newspapers published in the city of Toronto during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which, the railway or works of the said company shall pass or

be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Proviso.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-law.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V., c. 42.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid. 55 V., c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide: By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the

repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Provisions for referring to arbitration disputes as to bonus by-laws

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of a municipality

26. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-laws so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of Municipal Acts as to by-laws.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Exemption from taxation.

Grants of land.

31. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from the railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring gravel, etc., for the construction and maintenance of railway.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

34.—(1) When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the

provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of debentures.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

36. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Niagara and St. Mary Rivers Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B," hereto, or to the like effect, which certificate shall set forth that the

conditions of the by-law have been complied with, and is to be attached to the check or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the company, and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all, the sum of $20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Transfer of bonds.

39. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less $100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the

directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Proviso.

Pledging bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they made be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for lease of rolling stock.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on ; and also to enter into agreement with any railway company or companies, if so lawfully authorrized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreements for connection with other companies.

43. The said company shall have power to agree for connections and make running arrangements with any other railway company or companies, or to affiliate or amalgamate with any other railway company or companies upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with either or any railway company or companies for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either, or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the

company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph lines.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887), are hereby conferred upon the said company.

Rights of aliens.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of shares.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to hold additional property.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to collect back charges on goods.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Railway Act incorporated.

49. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to

the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

50. The said railway shall be commenced within three years, and completed within ten years from the passing of this Act. Commencement and completion of railway.

SCHEDULE "A."

Section 6.

Know all men by these presents that I (*or* we), (*insert the names of the vendors*) in consideration of dollars paid to me (*or* us) by "The Niagara and St. Mary Rivers Railway Company," the receipt whereof is hereby acknowledged do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "Niagara and St. Mary Rivers Railway Company," their successors and assigns for ever (*here insert any other clauses, covenants or conditions required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 18 .

Signed, sealed and delivered in the presence of, } (L.S.)

SCHEDULE "B."

Section 36.

Chief Engineer's Certificate

The Niagara and St. Mary Rivers Railway Company's Office.

No. . *Engineer's Department.*

A.D. 189

Certificate to be attached to cheques drawn on the Niagara and St. Mary Rivers Railway Company Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, , Chief Engineer of the Niagara and St. Mary Rivers Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of (*or* under the agreement dated the day of , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 32.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Niagara and St. Mary Rivers Railway Company.

First Reading, April, 1893.

(Private Bill.)

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 33.] BILL. [1893.

An Act to incorporate the Sudbury and Nipissing Railway Company.

Preamble.

WHEREAS the construction of a railway, from a point at or near the mouth of the French River in the district of Nipissing, to a point in or near the town of Sudbury, thence in a northerly direction to lake Wahnapitæ, through the said district of Nipissing, is desirable; and whereas the persons hereinafter named have, by their petition, prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Thomas Hale, of the town of Pembroke, Frank Cochrane, Daniel O'Connor, Lawrence O'Connor, J. G. Gordon, C. E., John Cameron and A. J. Macdonnell, of the town of Sudbury; together with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the Sudbury and Nipissing Railway Company.

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and to operate, a railway, from a point at or near the mouth of French River in the district of Nipissing, through the said district of Nipissing, to a point at or near the town of Sudbury, thence to a point in the district of Nipissing, at or near lake Wahnapitæ.

Gauge.

3. The said railway may be of any gauge.

Provisional directors.

4. The said Thomas Hale, Frank Cochrane, Daniel O'Connor, Lawrence O'Connor, J. G. Gordon, C. E., John Cameron, and A. J. Macdonnell, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have full power forthwith to open stock-books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers; to cause plans and surveys to be executed; to enter

into agreements for right of way, station grounds and terminal grounds; and to receive for the company any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into agreements respecting the condition or disposition of any gift or bonus in aid of the undertaking, with all such other powers as under *The Railway Act of Ontario* is vested in ordinary directors; and to call a general meeting of the shareholders, for the election of directors as hereinafter provided. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment, would hinder delay or prevent the company from proceeding with and completing their undertaking, under the provisions of this Act; and all meetings of the provisional directors shall be held in the town of Sudbury in the district of Nipissing, or at such other place as may best suit the interests of the said company.

Rev. Stat. c. 170.

Form of conveyances of land.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Subscriptions not to be binding until approved.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 170.

9. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in the said company, and the moneys so raised shall be applied in the first place, to the payment of all fees, expenses

and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality, to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

General meeting for election of directors.

10. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in *The Ontario Gazette*, and in one or more newspapers published in the said town of Sudbury, of the time, place and purpose of the said meeting.

Election of directors.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting, have so paid up ten per centum of the stock subscribed by them, shall elect five persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided that they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat. c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls on stock.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay in paid up stock, or in the bonds of the said company, such sum as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Subsequent annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Sudbury, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said town of Sudbury, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

16. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

17. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such a by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Bonus by-laws.

18. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V. c. 42.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto, as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Contents of by-law.

19. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all the ratable property within the municipality, or portion of the township municipality, defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Provisions for referring to arbitration disputes as to bonus by-laws

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be

final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law approved by directors.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Delivery of debentures to trustees.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

When aid granted by portion of township.

25. In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 Vict., c. 42.

26. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Power to extend time for commencement of work.

27. The councils of all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion of work.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents on the dollar valid.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or in which it is situate, by by-laws specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Power to exempt company from taxation.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for the right of way, station grounds, or other purposes connected with the running or other traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Grants of land to company.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining or using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way Acquiring stone, gravel, etc.

thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Power to take lands for gravel pits, etc.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

34.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right of way may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 170.

Snow fences.

35. The said company shall have the right, on and after the first day of November in each year, to enter into and upon the lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences

thereon, subject to the payment of such damage (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Delivery of debentures to trustees.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

37. The said trustees shall receive the said debentures or bonds in trust:—firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them:—secondly, to deposit the debentures or amount realized from the same in some chartered bank having an office in the Province of Ontario, in the name of "The Sudbury and Nipissing Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

Fees of trustees.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two

of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

39. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23, and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject, and according to, and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.

Negotiable instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging bonds.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Arrangements as to use of rolling stock of other companies.

42. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, or rolling stock and other movable property from such companies or persons, for such time or times and on such terms as may be agreed upon; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting

companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Amalgamation wtih other companies.

43. The company is authorized and empowered to make necessary arrangements with any railway company or companies lawfully authorized to enter into such arrangements, for amalgamation with any or all of them, provided that the terms of such amalgamation are approved by two-thirds in value of the shareholders, voting either in person or represented by proxy, at a special general meeting to be called for that purpose, in accordance with this Act.

Running arrangements with other companies.

44. The said company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway of Canada and the Canadian Pacific Railway Company, or any other railway company, if lawfully empowered to enter into such arrangements, upon terms to be approved by two thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with the said companies, or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telephone and telegraph lines.

45. The said company may also construct an electric telegraph line and telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Rights of aliens.

46. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the

said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Transfer of shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Acquiring land for warehouses, etc.

48. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold, as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to collect back charges on goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Time for commencement and completion of line.

50. The said railway shall be commenced within three years and completed within ten years from the passing of this Act.

Incorporation of provisions of Rev. Stat. c. 170.

51. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

SCHEDULE "A."

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Sudbury and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (*or* we) (*insert the name of any other party or parties,*

in consideration of dollars, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*)

the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Sudbury and Nipissing Railway Company, their successors and assigns forever. (*Here insert any other clauses, covenants or conditions required.*)

And I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 189 .

[L.S.]

Signed sealed and delivered in the presence of }

SCHEDULE "B."

(*Section 37.*)

Chief Engineer's Certificate.

THE SUDBURY AND NIPISSING RAILWAY COMPANY'S OFFICE.

No.

Engineer's Department, A.D. 189

Certificate to be attached to cheques drawn on the Sudbury and Nipissing Railway Company Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A.B.*, chief engineer of the Sudbury and Nipissing Railway Company, do hereby certify, that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(*Here set out the terms and conditions, if any, which have been fulfilled.*)

No. 33.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Sudbury and Nipissing Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. LOUGHRIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 33.] **BILL.** [1893.

An Act to incorporate The Sudbury and Nipissing Railway Company.

Preamble. WHEREAS the construction of a railway, from a point at or near the mouth of the French River in the district of Nipissing, to a point in or near the town of Sudbury, thence in a northerly direction to lake Wahnapitæ, through the said district of Nipissing, is desirable; and whereas the persons hereinafter named have, by their petition, prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. Thomas Hale, of the town of Pembroke, *and* Frank Cochrane, Daniel O'Connor, Lawrence O'Connor, J. G. Gordon, C. E., John Cameron and A. J. Macdonnell, of the town of Sudbury; together with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Sudbury and Nipissing Railway Company."

Location of line. ☞2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate, a railway from some point either in the township of Humboldt, in the district of Nipissing, or between said township and the mouth of French river, thence northerly to and through the townships of Broder and Dill to a point at or near the town of Sudbury in the township of McKim, thence northerly through the said township of McKim and the townships of Blezard and Garson, and thence northerly to a point at or near West Bay on Lake Wahnapitæ, in the said district of Nipissing. ☜

Gauge. ☞3. The gauge of the said railway shall be four feet eight and one-half inches. ☜

Provisional directors. 4. The said Thomas Hale, Frank Cochrane, Daniel O'Connor, Lawrence O'Connor, J. G. Gordon, C. E., John Cameron, and A. J. Macdonnell, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

☞**5**. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payments on account of the stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking, under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the town of Sudbury in the district of Nipissing, or at such other place as may best suit the interest of the said company. ☜

Rev. Stat. c. 170.

Form of conveyances of land.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Sub-scriptions not to be binding until approved.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway

by way of gift, bonus or loan of money, or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

9. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in the said company, and the moneys so raised shall be applied in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality, to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Rev. Stat. c. 170.

General meeting for election of directors.

10. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in *The Ontario Gazette*, and in one or more newspapers published in the said town of Sudbury, of the time, place and purpose of the said meeting.

Election of directors.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided that they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat. c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls on stock.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Subsequent annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Sudbury, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said town of Sudbury, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

16. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

17. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

18. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely:— Bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V. c. 42.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto, as aforesaid. 55 V. c. 42.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide:— Contents of by-law.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all the ratable property *lying* within the municipality, or portion of the township municipality, defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county, may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and Provisions for referring to arbitration disputes as to bonus by-laws

upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law approved by directors.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Delivery of debentures to trustees.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

When aid granted by portion of township.

25. In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 Vict., c. 42.

26. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Power to extend time for commencement of work.

27. The councils of all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: provided that no such extension shall be for a longer period than one year.

Extension of time for completion of work.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents on the dollar valid.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Power to exempt company from taxation.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land to company.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for the right of way, station grounds, or other purposes connected with the running or other traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Acquiring stone, gravel, etc.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining or using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Power to take lands for gravel pits, etc.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

34.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right of way may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

35. The said company shall have the right, on and after the first day of November in each year, to enter into and upon *any* lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Delivery of debentures to trustees.

37. The said trustees shall receive the said debentures or bonds in trust:—firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them:—secondly, to deposit the debentures or amount realized from the same in some chartered bank having an office in the Province of Ontario, in the name of "The Sudbury and Nipissing Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set Trusts of proceeds of debentures.

forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

Fees of trustees.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

39. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23, and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject, and according to, and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170

Negotiable instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging bonds.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Arrangements as to use of rolling stock of other companies.

42. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, or rolling stock and other movable property from such companies or persons, for such time or times and on such terms as may be agreed upon; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Amalgamation wtih other companies.

43. The company is authorized and empowered to make necessary arrangements *to contract and agree* with the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or *either* of them, provided that the terms of such amalgamation are approved *of* by two-thirds in value of the shareholders, voting either in person or represented by proxy, at a special general meeting to be called for that purpose, in accordance with this Act.

Running arrangements with other companies.

44. The said company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway *Company* of Canada and the Canadian Pacific Railway Company, *or either of them*, if lawfully empowered to enter into such arrangements, upon terms to be approved by two thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement with the said companies, or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for, using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telephone and telegraph lines.

45. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Rights of aliens.

46. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Transfer of shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Acquiring land for warehouses, etc.

48. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold, as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to collect back charges on goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Time for commencement and completion of line.

50. The said railway shall be commenced within three years and completed within ten years from the passing of this Act.

Power to contract for construction and equipment of line.

☞**51**. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part,

Proviso,

either in cash or bonds, or in paid up stock: Provided that no such contract shall be of any force or validity till approved of

by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

52. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 170.

SCHEDULE "A."

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Sudbury and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (*or* we) (*insert the name or names of any other party or parties,*
in consideration of dollars,
paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*)

the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Sudbury and Nipissing Railway Company, their successors and assigns forever. (*Here insert any other clauses, covenants or conditions required.*)

And I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 189 .

[L.S.]

Signed sealed and delivered in the presence of

SCHEDULE "B."

(*Section 37.*)

Chief Engineer's Certificate.

THE SUDBURY AND NIPISSING RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department,* A.D. 189

Certificate to be attached to cheques drawn on The Sudbury and Nipissing Railway Company Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A.B.*, chief engineer of The Sudbury and Nipissing Railway Company, do hereby certify, that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(*Here set out the terms and conditions, if any, which have been fulfilled.*)

No. 33.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate The Sudbury and Nipissing Railway Company.

First Reading, 14th April, 1893.

(*Reprinted as amended by the Railway Committee.*)

(Private Bill.)

Mr. LOUGHRIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 34.] BILL. [1893.

An Act to amend an Act respecting St. Andrew's Church, Ottawa.

Preamble.

WHEREAS the temporal committee of St. Andrew's Church, in the city of Ottawa, have, by their petition, represented that they desire certain amendments to the Act passed in the 53rd year of Her Majesty's reign, intituled *An Act respecting St. Andrew's Church, Ottawa*; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V. c. 144, s. 6, amended.

1. Section 6 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 144, is amended by striking out the words "entitled to vote and" in the fifth line thereof, and substituting therefor the words "who are."

53 V. c. 144, s. 8, amended.

2. Section 8 of the said Act is amended by inserting the words "who are" after the word congregation, in the sixth line of the said section.

53 V. c. 144, s. 13, amended.

3. Section 13 of the said Act is amended by striking out the words "first, in the payment of the mortgages, charges and incumbrances affecting the said property, and afterwards," in the third, fourth and fifth lines of the said section.

No. 34.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend an Act respecting St. Andrew's Church, Ottawa.

First Reading, 1893.

(Private Bill.)

Mr. BRONSON.

TORONTO :
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 34.] **BILL.** [1893.

An Act to amend an Act respecting St. Andrew's Church, Ottawa.

WHEREAS the temporal committee of St. Andrew's Church, in the city of Ottawa, have, by their petition, represented that they desire certain amendments *as hereinafter enacted* to the Act passed in the 53rd year of Her Majesty's reign, *and chaptered 144*, intituled *An Act respecting St. Andrew's Church, Ottawa*; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 144, is amended by striking out the words "*and present*" in the fifth line thereof, and ☞ inserting before the word "entitled" in the said line the words "who are present and" ☜ 53 V. c. 144, s. 6, amended.

2. Section 8 of the said Act is amended by inserting the words "who are" after the word "congregation," in the sixth line of the said section. 53 V. c. 144, s. 8, amended.

3. Section 13 of the said Act is amended by striking out the words "first, in the payment of the mortgages, charges and incumbrances affecting the said property, and afterwards," in the third, fourth and fifth lines of the said section. 53 V. c. 144, s. 13, amended.

No. 34.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend an Act respecting St. Andrew's Church, Ottawa.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. BRONSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35] **BILL.** [1893.

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the city of Toronto, by petition, has prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 90, s. 4, amended.

1. Section 4 of chapter 90 of the Act passed in the 55th year of Her Majesty's reign is amended by inserting the words "and percentages on the receipts of and all other revenue derived" after the word "revenue," when the same occurs in the 15th and 20th lines of the said section.

Power to erect isolation hospital on certain lands notwithstanding Rev. Stat. c. 205.

2. Notwithstanding the provisions of *The Public Health Act*, the lands in the said city described as all and singular that certain parcel or tract of land and premises composed of part of Riverdale Park in the city of Toronto as described in by-law No. 2,761 of the corporation of the city of Toronto and of part of the lands set apart for the Don improvement as described in by-law No. 2,005 of the said city, and which may be more particularly described as follows:—Commencing at the south-west angle of Riverdale park, being on the limit between said park and the Don improvement lands; thence easterly along the southerly limit of said park 80 feet; thence northerly parallel with the limit between said park and said Don improvement lands 120 feet; thence westerly parallel with the southerly limit of said park 180 feet; thence southerly parallel with said limit between said park and said Don improvement lands 120 feet to the intersection of the westerly production of said south limit of the said park; thence easterly along said production 100 feet to the place of beginning, is hereby set apart as a site for an infectious diseases hospital, and for that purpose the said land is hereby removed from the dedication by by-law No. 2,761 of the said corporation passed on the 8th day of December, 1890, of the lands thereby included in a public park and also from the land set apart as part of the Don improvements.

Investment of trust moneys in city debentures.

3. Any trustee, executor or administrator, unless expressly forbidden by the instrument creating the trust, may invest any trust funds in any debentures of the corporation of the city of Toronto.

Agreement with county of York confirmed, and certain lands annexed to city.

4.—(1) The agreement between the corporation of the county of York and the city of Toronto, and dated the third day of February, 1893, a copy of which is set out in schedule "A" hereto is hereby declared to be valid and legal and to be binding on both the said corporations, and the parties to the said agreement are hereby declared to have and to have had at the date thereof power to do all acts necessary to carry the same into effect;

(2) All and singular those parts of the townships of York and Etobicoke described as follows:—Commencing at the intersection of the westerly limit of Roncesvalles avenue with the northerly limit of Queen street west; thence westerly along said northerly limit of said street and the northerly limit of the Lake Shore Road to the line between lots 37 and 38 in the first and broken front concessions in the township of York, being at this point the westerly limit of the city of Toronto; thence northerly along said line to its intersection with a line drawn parallel to the north limit of the right-of-way of the Great Western division of the Grand Trunk Railway, and distant 1000 feet measured northerly therefrom and at right angles thereto; thence westerly along said line across lots 38, 39 and 40 in said concession in the said township of York, and across the river Humber, and along said line through part of range 5 (Kingsmill reserve in the township of Etobicoke) to the point of intersection of the production northerly of the "west end" of the Lake Shore Road, as described in an Order in Council of the late Province of Canada, dated April 4th, 1865; thence southerly along said production and along said west end to the southerly limit of the Lake Shore Road; thence along said limit to the easterly boundary of the roadway lying between the properties of Richard West and Charles Nurse, more particularly described in a by-law of the township of Etobicoke dated

thence southerly along said limit to the water's edge of lake Ontario; thence still southerly along the westerly limit of the water lot heretofore patented to said Charles Nurse, to its southerly limit; thence easterly along said southerly limit to the south-east angle of the said water lot; thence north easterly in a straight line to the south-west angle of the water lot granted to Mary E Spry; thence easterly along the southerly limit of said water lot and along the southerly limit of the water lots in front of lots 40, 39 ,38, 37, 36 and part of lot 35 in the township of York to the south-west angle of the water lot heretofore deeded by J. G. Howard to the town of Parkdale, and being at this point the westerly limit of the city of Toronto; thence northerly along said limit of said water lot to the water's edge of lake Ontario; thence easterly along said water's edge to the line between lots 34 and 35 in the said township of York; thence northerly along said line to the southerly limit of the Lake Shore Road; thence easterly along the southerly limit of said road and along the southerly limit of Queen street west to its intersection with the south-

erly production of the westerly limit of Roncesvalles avenue ; thence northerly along said production to the place of beginning, are hereby annexed to the city of Toronto and added to Ward No. 6 thereof.

Assessment of lands annexed.

(3) Such of the lands included in said parcels so annexed to the city of Toronto as are assessed in the said townships respectively for the year 1892 shall be added to the assessment roll of the city of Toronto for the year 1893 in the names of and at the values entered upon the rolls of the said townships respectively for the said year 1892 upon the production of a certified copy of so much of the said rolls as shew such assessments and any such lands included in said parcels so annexed which are not so assessed, shall be specially assessed within two months from the passing of this Act by the assessment commissioner of the city of Toronto or some person appointed by him at such amount as in the opinion of the said commissioner shall be the average value of the other land of a like nature in the same locality, and such specially assessed land shall be added by the city clerk to the assessment roll for the said city for the year 1893.

Votes in annexed territory.

(4) Such persons as appear by such rolls to be entitled to be added to the voters' lists either for municipal or Parliamentary purposes, or on money by-laws, shall be so added by the said clerk even if the time for completing such voters' lists has then expired.

49 V. c. 66, ss. 13 and 15, and 52 V. c. 73 amended.

5. Sections 13 and 15 of the Act passed in the 49th year of Her Majesty's reign, chaptered 66, as amended by sections 6 and 7 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 73, are further amended by striking out the figures "$575,000," therein and inserting the figures "$700,000," in lieu thereof.

Power to borrow $150,000 for completion of subways and bridges.

6. The council of the corporation of the city of Toronto may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts not exceeding $150,000, as may be necessary for the purpose of completing the construction of any subway or subways, bridge or bridges, and other works authorized by chapter 45 of the Act passed in the 46th year of Her Majesty's reign, or to pay the cost of such subway or subways, bridge or bridges, heretofore constructed ; and may issue any number of debentures payable in this Province or elsewhere in sums of not less than $100 each, which may be requisite and necessary therefor, which debentures shall be payable in forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding six per centum per annum payable half-yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the council of the said corporation may

in any by-law or by-laws to be passed authorizing any such loan or loans or any part thereof and the issuing of debentures therefor, impose a special rate per annum upon all ratable real and personal property within the said municipality to be called "The Railway Crossing Rate" over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum (if any) as the said council may receive from the Railway Companies, referred to in the said Act, or any of them, under any agreement in that behalf, be sufficient over and above the interest payable on such debentures, to form a sinking fund to pay off the said debentures at maturity. The said sinking fund shall be invested in each year either in the debentures provided for by the said Act or any other debentures of the municipality or in Government debentures, but the said council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum $150,000, for the purposes aforesaid under the provisions of *The City of Toronto Debenture Consolidation Act, 1889.*

52 V. c. 74.

Planting and removing trees in streets.

7. The Park Commissioner, or such other officer as the council of the corporation of the city of Toronto may appoint therefor, shall have full power to plant, remove and take care of all trees on the public streets of the city of Toronto, and the the said commissioner, or other officer, shall, notwithstanding the provisions of sub-section 20 of section 479 of *The Consolidated Municipal Act, 1892* have absolute power to prune, cut down and remove any of such trees without the city of Toronto making compensation as therein provided.

55 V. c. 42.

Power to exempt Massey music hall from taxation.

8. In the event of Hart A. Massey, Esquire, granting and conveying to the corporation of the city of Toronto, or to trustees for the benefit of the citizens of Toronto, a parcel of land on the corner of Victoria and Shuter streets in the said city, and the music hall to be erected thereon, or in the event of the said Hart A. Massey granting and conveying to the said corporation or trustees as aforesaid any other property or building as a site for, or as a music hall, the corporation of the city of Toronto may exempt such land and buildings from taxation in whole or in part for so long as the same is used as a public music hall under the terms of the said conveyance.

Certain by-laws confirmed.

9. The by-laws of the corporation of the city of Toronto specified in Schedule "B" hereto, and all debentures issued or to be issued thereunder, and all assessments made for payment thereof, are hereby, validated and confirmed.

SCHEDULE "A."

THIS INDENTURE, made in duplicate the 3rd day of February, one thousand eight hundred and ninety-three, between the corporation of the county of York, hereinafter called "the county," of the first part, and the corporation of the city of Toronto, hereinafter called "the city," of the second part.

Whereas the county is the owner of a certain toll road running from Dufferin street, in the city of Toronto, westerly to a line drawn across the said road at right angles to the northern limit thereof at the distance of six chains west of the west side of the Humber river;

And whereas it has been agreed between the parties hereto that the county should, in consideration of the covenants hereinafter contained on the part of the city to be performed, transfer the said Lake Shore Road to the city.

And whereas the city has agreed to take over and maintain as hereinafter set forth the said Lake Shore Road as defined in chapter 77 of 52nd Victoria of the Statutes of Ontario, including all culverts and bridges upon the line of the said road, and should pay the sum of $750, to the county towards meeting such expenses as have been incurred by the county in connection with litigation involving the title to the said Lake Shore Road as is defined by said statute.

Now therefore this indenture witnesseth that in consideration of the premises and of the covenants and conditions hereinafter set forth by the city to be observed, performed and fulfilled, and upon the conditions herein set forth, the said corporation of the county of York, for themselves and their successors, do hereby grant and convey unto the said corporation of the city of Toronto, their successors and assigns, the said Lake Shore Road described in the Order in Council dated the fourth day April, 1865, transferring the said Lake Shore Road to the corporation of the united counties of York and Peel, and being more particularly described as to part thereof by chapter 77 of the Statutes of the Province of Ontario, passed in the 52nd year of Her Majesty's reign, to have and to hold unto the said corporation of the city of Toronto and their successors and assigns, upon and subject to the following terms and conditions, and subject to the right of the county to maintain the toll gate now situated on said road until the 30th day of June, 1893.

(1) That the city, their successors and assigns, shall, after the said 30th day of June, 1893, keep the said road as defined by the said Act, and all bridges thereon, at all times thereafter, in thorough repair in accordance with the terms and conditions more fully set forth in the said Order in Council.

(2) That the city, its successors and assigns, shall not maintain a toll gate or gates upon the said road, nor collect tolls or fees from any person or persons for passing over the said road, or any portion thereof, or any bridges thereon, but the county

shall remove any and all toll gate or gates upon the said road on or before the 1st day of July, 1893, and remove the gate-keeper or keepers thereof without any expense to the city.

(3) That the said road and bridges thereon shall at all times continue to be public highways.

(4) In the arbitration pending between the city and county the said Lake Shore Road is not to be considered an asset of the county to which the city will claim or pretend to claim any share.

2. And it is further agreed by and between the parties hereto as follows:—

(1) That the city shall pay to the county the sum of $750 within one month after this agreement is confirmed by legislation as hereinafter provided, in full of all costs and expenses already incurred in connection with or arising out of actions now pending of the county of York against Ardagh and Leonard, Ardagh and Leonard against the county of York, Wilma Chapman against the county of York, and the county of York against the Sunnyside Boating Company of Toronto (Limited), or any other action or actions which may be brought in connection with the said Lake Shore Road before the execution of this agreement; and the county will indemnify and save harmless the city from all costs incurred or to be incurred in said actions, if continued by the county, beyond the said sum of $750, but the city is to be at liberty to continue any or all of such actions at the expense of the said city after the the execution of this agreement, if the said city so elects and decides; and in case of deciding to continue any one or more of such actions after the execution hereof, then the costs thereafter incurred shall be payable by or to the city as may be determined in such action or actions; but the county shall be free therefrom and the city shall indemnify the county from all liability for costs incurred after the execution hereof; and that the city will pay such amount as may be awarded by way of damages payable to the plaintiff by any award made in pursuance of any order in the said suit of Wilma Chapman *v.* the corporation of the county of York.

(2) That the city will, upon the 31st day of December, 1894, or on such sooner date as may be mutually agreed upon, abolish the imposition and collection of all market fees which the said city is now entitled to collect in the city of Toronto, except from the cattle market as now established or as it may at any time heretofore be established in the said city, if the county of York will, upon the same day, abolish the collection of all tolls upon all roads belonging to the county, within the county of York. Provided, however, that if the said county do not abolish such tolls on or before the said 31st day of December, 1894, this agreement to abolish market fees shall at once cease and be of no further force or effect.

(3) That the county will not oppose any action or legislation whereby all those parts of the townships of York and Etobicoke bounded on the south by the south limit of the water lots in front of the said road, and on the north by a line drawn parallel with the north side of the Grand Trunk Railway, distant one thousand feet measured northerly from and at right angles thereto, and extending from the west city limit at High Park to the westerly end of the said road, may be annexed to the said city of Toronto.

(4) That the said county shall keep said road in thorough repair within the meaning of the said Order in Council until the said thirtieth day of June, 1893.

(5) That either or both parties to this agreement shall apply to the next session of the Legislature of the Province of Ontario to validate and confirm this agreement, and the other party thereto will consent to such legislation.

3. And the corporation of the city of Toronto, for themselves, their successors and assigns, covenant and agree with the corporation of the county of York, their successors and assigns, that they, the said corporation of the city of Toronto, will fully and in every respect obey, fulfill and perform the said conditions.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed.

Signed, sealed and delivered in the presence of GEO. S. MCFARLEN, As to signatures of A. S. Russell and Geo. Eakin.

A. S. RUSSELL, Warden. { L.S. }
GEO. EAKIN, Clerk.

ROBERT J. FLEMING, Mayor.
R. T. COADY, Treasurer. { L.S. }

SCHEDULE "B."

(*Section 9*).

List of By-Laws providing for the issue of Debentures passed by the Council of the City of Toronto since December 31st, 1891.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
2954	To provide for the issue of City of Toronto General Debentures to the amount of $31,817, for the purpose of completing certain additions to the Jarvis street and Jameson avenue Collegiate Institutes, and completing the new Harbord street Collegiate Institute.	January 15th, 1892.	31,817 00	31,817 00	.....	40 years ..	4%
2958	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of $72,551.61 to d fray the ratepayers' share of the cost of certain sewers laid down in the year 1891 as local improvements.	January 15th, 1892.	72,551 61	.....	72,551 61	Various...	4%
2959	To provide for borrowing money by the issue of Debentures, secured by local special rates on the property fronting or abutting on Dagmar avenue and Birtle avenue, and between Pape avenue and Jones avenue, in the Ward of St. Matthew (now in Ward Number One), for the extension of Dagmar avenue from its easterly terminus to connect it with Birtle avenue.	January 15th, 1892.	1,925 20	.....	1,925 20	10 years ..	4%
2960	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Trefann street, between Queen street and Sydenham street, in the Ward of St. David (now in Ward Number Two), for the extension of Trefann street, from its northerly terminus to Sydenham street.	January 15th, 1892.	2,382 85	.....	2,382 85	10 years ..	4%

2961	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Sully street, between Arthur street and College street, in the Ward of St. Stephen (now in Ward Number Five), for the extension of Sully street from its northerly terminus to College street.	January 15th, 1892.	7,867 96	.....	7,867 96	10 years ..	4%
2962	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Grafton avenue, from Roncesvalles avenue to Triller avenue (formerly Montague street), in the Ward of St. Alban (now in Ward Number Six), for the extension of Grafton avenue, from its easterly limit to Montague Street (now Triller avenue.	January 15th, 1892.	1,787 29	.....	1,787 29	10 years ..	4%
2963	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk on the east side of Brunswick avenue, between College street and a point 108 feet north thereof, in the Ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	258 57	.....	258 57	7 years ...	4%
2964	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk and stone curbing on the north side of College street, between Spadina avenue and Robert street, in the Ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	2,651 58	.....	2,651 58	7 years ...	4%
2965	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk with stone curbing on the east side of Dundas street, between Bruce street and a point 144 feet south on Dundas street, in the Ward of St. Stephen (now in Ward Number Five).	January 15th, 1892.	858 29	.....	858 29	7 years ..	4%

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
2966	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk with stone curbs on the south side of Queen street west, between Esther street and Bathurst street in the Ward of St. Andrew (now in Ward Number Four).	January 15th, 1892.	4,835 05	.....	4,835 05	7 years	4%
2967	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of Queen street, between Spadina avenue and Esther street, in the Ward of St. Andrew (now Ward Number Four).	January 15th, 1892.	3,836 69	.....	3,836 69	7 years ...	4%
2968	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka granite sidewalk and stone curbing on the north side of Queen street, between Berkeley street and Parliament street, in the Ward of St. David (now in Ward Number Two).	January 15th, 1892.	1,689 47	.....	1,689 47	7 years ...	4%
2969	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Eureka sidewalk on west side of Jordan street, from a point in line with the north limit of the first lane of Wellington street and leading westerly from Jordan street, being 93 feet north of Wellington street, and from thence in a northerly direction for a distance of 30 feet, in the Ward of St. George (now in Ward Number Three.)	January 15th, 1892.	79 89	.....	79 89	5 years....	4%

2970	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of King street, between York street and a point 78 feet west thereof, in the Ward of St. George (now Ward Number Three).	January 15th, 1892.	355 02	.....	355 02	7 years ...	4°/o
2971	To provide for borrowing money by the issue of Debentures, secured by local special rptes, for the construction of an Eureka sidewalk on both sides of Melinda street, between York street and Bay street, in the Ward of St. George (now in Ward Number Three).	January 15th, 1892.	2,283 85	.....	2,283 85	7 years ...	4°/o
2972	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka granite sidewalk on the east side of Yonge street, between Carlton street and Wood street, in the Wa d of St. James (now in Ward Number Three).	January 15th, 1892.	1,273 06	.....	1,273 06	7 years ...	4°/o
2973	To provide for borrowing money by the issue of Debentures, secured by local special rates. for the cons ruction of an Eureka sidewalk with stone curbing on the north-east corner of Queen street and Gladstone avenue, in the Ward of St. Mark (now in Ward Number Six).	January 15th, 1892.	845 00	.....	845 00	7 years	4°/o
2974	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk with stone curbing on the north side of Queen street, between Denison avenue and Bathurst street, in the Ward of St. Patrick (now in Ward Number Four.)	January 15th, 1892.	3,937 00	.....	3,937 00	10 years ..	4°/o
2975	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the north side of Queen street, between Palmerston avenue and a point 163½ feet west therefrom, being the west limit of the property of James and William Crocker, in the Ward of St. Stephen (now in Ward Number Five).	January 15th, 1892.	860 74	.....	860 74	7 years ...	4°/o

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
2976	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Eureka sidewalk and stone curbing on the north side of Queen street, between Ontario street and Seaton street, in the Ward of St. Thomas (now Ward Number Two.)	January 15th, 1892.	1,219 34	.....	1,219 34	10 years ..	4°/₀
2977	To provide for borrowing money by the issue of Debentures, secured by local special rates for the construction of a concrete sidewalk on both sides of Gerrard street, between Jarvis street and Sherbourne street, in the Ward of St. Thomas (now in Ward Number Two.)	January 15th, 1892.	2,037 31	.....	2,037 31	10 years ..	4°/₀
2978	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk on south side of Wellington street, from a point in line with the easterly limit of the premises of George McLean Rose, and being 197 feet east of Bay street, and to the west limit of said premises, in the ward of St. George (now in Ward Number Three).	January 15th, 1892.	488 99	.....	488 99	7 years ...	4°/₀
2979	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk on the north side of King street, between Yonge street and Toronto street, in the ward of St. James (now Ward Number Three).	January 15th, 1892.	2,131 94	.....	2,131 94	6 years ...	4°/₀

2980	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk and stone curbing on the south side of Queen street, from a point in line with the easterly limit of the new block of stores owned by John Smith, being 104 feet west of Baseball place, to a point 168 feet westerly therefrom, in the ward of St. Lawrence (now in Ward Number One).	January 15th, 1892.	990 82	.....	990 82	7 years ...	4%
2981	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a Granolithic sidewalk on the west side of Spadina avenue, between Nassau street and Oxford street, in the ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	1,390 90	.....	1,390 90	7 years ...	4%
2982	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk with stone curbs on the east side of Spadina avenue, between Queen street and Grange avenue, in the ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	6,726 79	.....	6,726 79	10 years...	4%
2983	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a stone flag sidewalk on the west side of Yonge street, between College street and Bloor street, in the ward of St. John (now in Ward Number Three).	January 15th, 1892.	14,386 65	.....	14,386 65	15 years...	4%
2984	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a stone flag sidewalk on the north side of Grenville street, between Yonge street and Surrey place, in the ward of St. John (now in Ward Number Three).	January 15th, 1892.	2,005 16	.....	2,005 16	7 years ...	4%
2994	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $67,112.71 to defray the ratepayers' share of the cost of certain cedar block and tamarac pavements laid down in the years 1890 and 1891 as local improvements.	February 1st, 1892.	67,112 71	.....	67,112 71	Various...	4%

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Ratepayers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
2995	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $17,398.08 to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1891 as local improvements.	February 1st, 1892.	17,398 08	.....	17,398 08	Various ..	4%
2996	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $15,514.98 to defray the ratepayers' share of the cost of certain sewers laid down in the years 1887 and 1891 as local improvements.	February 1st, 1892.	15,514 98	.....	15,514 98	Various...	4%
2997	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway on Jordan street, between King street and Wellington street, in the ward of St. George (now in Ward Number Three).	February 1st, 1892.	2,717 60	.....	2,717 60	8 years ...	4%
2998	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Melinda street, between Yonge street and Bay street, in the ward of St. George (now in Ward Number Three).	February 1st, 1892.	6,000 00	.....	6,000 00	8 years ...	4%
2999	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Wellington	February 1st, 1892.	14,125 12	.....	14,125 12	8 years ...	4%

	street, between Bay street and York street, in the ward of St. George (now in Ward Number Three).						
3000	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Scott street, between Front street and Colborne street, in the ward of St. Lawrence (now in Ward Number Three).	February 1st, 1892.	3,133 51	.....	3,133 51	9 years ...	4%
3001	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Bloor street, between Yonge street and Sherbourne street, in the wards of St. Paul, St. James and St. Thomas (now in Wards Numbers Two and Three).	February 1st, 1892.	22,417 41	.....	22,417 41	9 years ...	4%
3002	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block roadway on the east side of Brunswick avenue, between College street and a point 108 feet north, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892.	185 47	.....	185 47	2 years ...	4%
3003	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block readway on the west side of Spadina avenue, between Clyde street and Nassau street, in the ward of St. Patrick (now in Ward Number Four.	February 1st, 1892.	489 00	.....	489 00	3 years ...	4%
3004	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of the cedar block roadway on the west side of Spadina avenue, between Nassau street and Oxford street, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892.	674 09	.....	674 09	4 years ...	4%
3005	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block roadway on the east side of Dundas street, between Bruce street and a point 144 feet south therefrom, in the ward of St. Stephen (now in Ward Number Five).	February 1st, 1892.	83 01	....	83 01	2 years ...	4%

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3006	To provide for borrowing money by the issue of debentures, secured by local special rates, for raising the grade of Queen street and constructing of a cedar block roadway thereon from a point 42 feet east of the easterly limit of Bellwoods avenue to a point 600 feet west on the line of Queen street, in the ward of St. Stephen (now in Ward Number Five).	February 1st, 1892.	3,661 38	.....	3,661 38	10 years ..	4%
3007	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Steiner street, between Matilda street and the River Don, in the ward of St. Matthew (now in Ward Number One).	February 1st, 1892.	967 31	.....	967 31	20 years ..	4%
3008	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a stone flag sidewalk on the west side of Yonge street, between Queen street and College street, in the ward of St. John (now in Ward Number Three).	February 1st, 1892.	16,027 46	.....	16,027 46	6 years....	4%
3009	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk and stone curbing on the west side of Spadina avenue, between Nassau and Clyde streets, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892.	2,062 04	.....	2,062 04	6 years ...	4%

3010	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Hawthorne terrace, between Dowling avenue and Jamieson avenue, in the ward of St. Alban (now in Ward Number Six), for the extension of Hawthorne terrace.	February 1st, 1892.	3,894 60	.....	3,894 60	10 years ..	4%
3011	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Sully street, between Arthur street and Bloor street, in the ward of St. Stephen (now in Ward Number Five), for the widening of Sully street.	February 1st, 1892.	3,244 01	.....	3,244 01	3 years....	4%
3012	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Sunnyside avenue, between Lake Shore road and High Park avenue, in the ward of St. Mark (now in Ward Number Six), for the opening of Sunnyside avenue.	February 1st, 1892.	36,517 77	.....	36,517 77	20 years...	4%
3014	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Melady's lane, between Sydenham street and St. David street, in the ward of St. David (now in Ward Number Two).	February15th,1892.	703 60	.....	703 60	20 years...	4%
3015	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Yonge street, between Anne street and St. Alban's street, in the wards of St. James and St. John (now in Ward Number Three).	February 15th,1892.	12,070 71	.....	12,070 71	20 years...	4%
3016	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Sheridan avenue, between a point 350 feet north of Bank street and Dundas street, in the ward of St. Mark (now in Ward Number Six).	February15th,1892.	1,802 43	.....	1,802 43	10 years ..	4%

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3017	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Piper street, between York street and a point 183½ feet easterly, in the ward of St. George (now in Ward Number Three).	February 15th, 1892.	709 15	.....	709 15	8 years....	4%
3018	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Piper street, between a point 183½ feet east of York street, and the east terminus of Piper street, in the ward of St. George (now in Ward Number Three).	February 15th, 1892.	1,499 74	.....	1,499 74	8 years....	4%
3019	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Phœbe street, between Spadina avenue and Soho street, in the ward of St. Patrick (now in Ward Number Four).	February 15th, 1892.	3,436 60	.....	3,436 60	10 years ..	4%
3020	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Avenue road, between Davenport road and the north city limit, in the ward of St. Paul (now in Wards Numbers Three and Four).	February 15th, 1892.	8,431 93	....	8,431 93	9 years....	4%
3021	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construc-	February 15th, 1892.	10,295 87	.....	10,295 87	9 years....	4%

	tion of a cedar block roadway on Roxborough street, between Yonge street and a point 2,182 feet easterly, in the ward of St. Paul (now in Ward Number Two).						
3022	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Spadina road, between Barnard avenue and the Canadian Pacific Railway, in the ward of St. Paul (now in Ward Number Four).	February 15th, 1892.	3,791 77	.....	3,791 77	10 years ..	4%
3023	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Christie street, between Bloor street and Melville street, in the ward of St. Stephen (now in Ward Number Five).	February 15th, 1892.	6,690 43	.....	6,690 43	7 years....	4%
3024	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on St. George street, between College street and Bloor street, in the ward of St. Patrick (now in Ward Number Four).	February 15th, 1892.	37,284 02	.....	37,284 02	10 years ..	4%
3025	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Gerrard street, between Jarvis street and Sherbourne street, in the ward of St. Thomas (now in Ward Number Two).	February 15th, 1892.	7,011 15	.....	7,011 15	10 years ..	4%
3026	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Kippendavie avenue, between Queen street and the beach, in the ward of St. Lawrence now in Ward Number One), for the grading of Kippendavie avenue.	February 15th, 1892.	4,198 29	.....	4,198 29	9 years....	4%

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3027	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Jones avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the grading of Jones avenue.	February 15th, 1892.	2,062 35	.....	2,062 35	5 years....	4%
3030	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $19,201.57, to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the year 1891, as local improvements.	February 29th, 1892.	19,201 57	.....	19,201 57	Various...	4%
3031	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $7,097.45, to defray the ratepayers' share of the cost of certain sewers laid down in the year 1891, as local improvements.	February 29th, 1892.	7,097 45	.....	7,097 45	Various...	4%
3032	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Bay street, between King street and Queen street, in the ward of St. Andrew (now in Ward Number Three).	February 29th, 1892.	12,806 94	.....	12,806 94	8 years....	4%
3033	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction	February 29th, 1892.	16,041 32	.....	16,041 32	8 years....	4%

	of a cedar block roadway on Hamburg avenue, between Bloor street and Union street, in the ward of St. Mark (now in Ward Number Six).						
3034	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block and stone roadway and private drains on Bloor street, between Bathurst street and Dufferin street, in the wards of St. Stephen and St. Mark (now in Wards Numbers Five and Six).	February 29th, 1892.	22,261 10	....	22,261 10	10 years. .	4°/₀
3035	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing and also private drains on Rosedale road, between North drive and Roxborough street, in the ward of St. Paul (now in Ward Number Two).	February 29th, 1893.	740 67	.....	740 67	6 years. ..	4°/₀
3036	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cobble stone roadway on Rossin house lane, between York street and its east terminus, in the ward of St. George (now in Ward Number Three).	February 29th, 1893.	767 80	.....	767 80	6 years. ..	4°/₀
3037	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a granolithic sidewalk and stone curbing on the north-east corner of Victoria street and Adelaide street, in the ward of St. James (now in Ward Number Three).	February 29th, 1893.	1,555 98	.....	1,555 98	5 years ...	4°/₀
3038	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Eureka sidewalk and stone curbing on the north side of College street, between Robert street and Major street, in the ward of St. Patrick (now in Ward Number Four).	February 29th, 1892.	1,141 92	.....	1,141 92	9 years ...	4°/₀

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3039	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wood sidewalk and stone curbing on Grosvenor street, between Yonge street and St. Vincent street, in the ward of St. John (now in Ward Number Three).	February 29th, 1892.	1,192 98	.....	1,192 98	4 years....	4%
3040	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wood sidewalk and cedar curbing on Strachan avenue, between King street and Queen street, in the ward of St. Andrew (now in Ward Number Five).	February 29th, 1892.	1,134 33	.....	1,134 33	5 years	4%
3041	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of curbing and removal of culverts on Claremont street, between Queen street and Robinson street, in the ward of St. Stephen (now in Ward Number Five).	February 29th, 1892.	249 75	.....	249 75	1 year	4%
3042	To provide for borrowing money by the issue of debentures, secured by local special rates, an additional sum required for the construction of a macadam and stone roadway and stone curbing on Bloor street, between Yonge street and Avenue road, in the wards of St. Paul and St. John (now in Ward Number Three).	February 29th, 1892.	300 00	.....	300 00	4 years....	4%
3044	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount	March 14th, 1892..	23,806 49	.....	23,806 49	Various...	4%

	of $23,806.49, to defray the ratepayers' share of the cost of certain sidewalks laid down in the year 1891, as local improvements.						
3045	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Gerrard street, between Logan avenue and Greenwood avenue, and on Carlaw avenue, between a point 1,200 feet north of Queen street, and a point 600 feet south of Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the construction of a subway at the intersection of Gerrard street, Carlaw avenue and the Grand Trunk Railway.	March 14th, 1892..	16,681 93	.....	16,681 93	20 years....	4°/o
3046	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Carlaw avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One).	March 14th, 1892..	21,450 96	.....	21,450 96	20 years...	4°/o
3047	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening and construction of a cedar block roadway on the north side of College street, between Robert street and Spadina avenue, in the ward of St. Patrick (now in Ward Number Four).	March 14th, 1892..	530 35	.....	530 5	3 years....	4°/o
3048	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Leslie street, between Queen street and Ashbridge's Bay, in the ward of St. Lawrence (now in Ward Number One).	March 14th, 1892..	3,705 97	.....	3,705 97	10 years...	4°/o
3049	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Byron avenue, formerly Ross street, between Chatham street, formerly Sheridan avenue, and Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the grading of Byron avenue.	March 14th, 1892..	2,748 27	.....	2,748 27	5 years....	4°/o

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt. created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3050	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Chatham street, formerly Sheridan avenue, between Greenwoods avenue and its western terminus, in the ward of St. Matthew (now in Ward Number One), for the grading of Chatham street.	March 14th, 1892..	903 18	.....	903 18	5 years....	4%
3051	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Carlaw avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the extension of Carlaw avenue.	March 14th, 1892..	46,770 88	.....	46,770 88	10 years...	4%
3053	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $2,199.90, to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1891, as local improvements.	March 28th, 1892..	2,199 90	.....	2,199 90	Various...	4%
3054	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Gordon street, between Dufferin street and Sheridan avenue, in the ward of St. Mark (now in Ward Number Six).	March 28th, 1892..	1,310 63	.....	1,310 63	5 years....	4%

3055	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Palmerston avenue, between Bloor street and the Ontario and Quebec Railway Company's lands, in the Ward of St. Stephen (now in Ward Number Five).	March 28th, 1892..	10,458 37	.....	10,458 37	8 years....	4%
3078	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of $248,110, for the purpose of providing funds for the paving of portions of streets occupied by the Toronto Railway Company.	June 13th, 1892....	248,110	248,110	.....	10 years...	4%
3086	To provide for the issue of "City of Toronto General Consolidated Loan Debentures," to the amount of $150,000, for extending and improving the exhibition park and erecting additional buildings and otherwise improving the said park for exhibition purposes.	July 13th, 1892....	150,000	150,000	.....	20 years...	4%
3090	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of $194,500, for the purpose of providing funds for the paving portions of streets occupied by the Toronto Railway Company.	Sept. 26th, 1892....	194,500	194,500	.....	10 years...	4%
3098	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Beaty avenue, between King street and Queen street, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892 ...	702 12	.....	702 12	3 years....	4%
3099	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on Sorauren avenue, between Queen street and the north limit of St. Alban's ward, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	1,731 33	.....	1,731 33	3 years....	4%

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List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3100	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Beaty avenue, between King street and Queen street, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	433 11	.....	433 11	7 years....	4%
3101	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Lansdowne avenue, between Queen street and Union street, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	269 49	.....	269 49	5 years....	4%
3102	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Maynard avenue, from King street to Leopold street, and on Leopold street between Jamieson avenue and Maynard avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	298 26	.....	298 26	6 years....	4%
3103	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block and cobble roadway and wood curbing on College street, between Ossington avenue and Dufferin street, in the wards of St. Stephen and St. Mark (now in Wards Numbers Five and Six).	Nov. 21st, 1892....	367 00	.....	367 00	6 years....	4%

3104	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing and sidewalks on Ruth street, between Roncesvalles avenue and Sorauren avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	363 50	.....	363 50	7 years....	4°/₀
3105	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on the north side of Abbs street, between Brockton road and its west end, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	42 03	.....	42 03	3 years....	4°/₀
3106	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Pearson avenue, between Sorauren avenue and Roncesvalles avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	413 59	.....	413 59	3 years....	4°/₀
3107	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on the north side of Union street, between Lansdowne avenue and Macdonnell avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	39 44	.....	39 44	3 years....	4°/₀
3108	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Duncan street, now Wright avenue, between Sorauren avenue and line between lots 16 and 17 in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	136 93	.....	136 93	3 years....	4°/₀

No. 35.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the City of Toronto.

First Reading, 1893.

(Private Bill.)

Mr. CLARKE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35] BILL. 1893.

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the city of Toronto, by petition, has prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 90 s. 4, amended.

1. Section 4 of chapter 90 of the Act passed in the 55th year of Her Majesty's reign is amended by inserting the words "and percentages on the receipts of and all other revenue derived" after the word "revenue," when the same occurs in the 15th and 20th lines of the said section.

Power to erect isolation hospital on certain lands notwithstanding Rev. Stat. c. 205.

2. Notwithstanding the provisions of *The Public Health Act*, the lands in the said city described as all and singular that certain parcel or tract of land and premises composed of part of Riverdale Park in the city of Toronto as described in by-law No. 2,761 of the corporation of the city of Toronto and of part of the lands set apart for the Don improvement as described in by-law No. 2,005 of the said city, and which may be more particularly described as follows:—Commencing at the south-west angle of Riverdale park, being on the limit between said park and the Don improvement lands; thence easterly along the southerly limit of said park 80 feet; thence northerly parallel with the limit between said park and said Don improvement lands 120 feet; thence westerly parallel with the southerly limit of said park 180 feet; thence southerly parallel with said limit between said park and said Don improvement lands 120 feet to the intersection of the westerly production of said south limit of the said park; thence easterly along said production 100 feet to the place of beginning, *may be used by the said city* as a site for an infectious diseases hospital, and for that purpose the said land is hereby removed from the dedication by by-law No. 2,761 of the said corporation passed on the 8th day of December, 1890, of the lands thereby included in a public park and also from the land set apart as part of the Don improvements.

☞Provided that nothing herein contained shall in any way affect or prejudice the terms of an order made by the Queen's Bench Division of the High Court of Justice on the 18th day of July, 1892, in an action of C. J. Smith *versus* The Corporation of the City of Toronto, and others.☜

Agreement with county of York confirmed, and certain lands annexed to city.

3. The agreement between the corporation of the county of York and the city of Toronto, and dated the third day of February, 1893, a copy of which is set out in schedule "A" hereto is hereby declared to be valid and legal and to be binding on both the said corporations, and the parties to the said agreement are hereby declared to have and to have had at the date thereof power to do all acts necessary to carry the same into effect;

4. All and singular those parts of the townships of York and Etobicoke described as follows:—Commencing at the intersection of the westerly limit of Roncesvalles avenue with the northerly limit of Queen street west (Lake Shore Road) thence westerly along said northerly limit of said street and the northerly limit of the Lake Shore Road, as defined by the Act passed in the 52nd year of Her Majesty's reign, chaptered 77, to the "west end" of the Lake Shore Road, as described in an Order in Council of the late Province of Canada, dated April 4th, 1865; thence southerly across said west end to the southerly limit of the Lake Shore Road; thence easterly along said southerly limit to the production northerly of the westerly limit of the water lot granted to Mary E. Spry; thence southerly along said production and along said limit to the south-west angle of said water lot; thence easterly along the southerly limit of the water lots in front of lots 40, 39, 38, 37, 36 and part of lot 35 in the township of York to the south-west angle of the water lot heretofore deeded by J. G. Howard to the town of Parkdale, and being at this point the westerly limit of the city of Toronto; thence northerly along said limit of said water lot to the water's edge of lake Ontario; thence easterly along said water's edge to the line between lots 34 and 35 in the said township of York; thence northerly along said line to the southerly limit of the Lake Shore Road; thence south-easterly and easterly along the southerly limit of said Lake Shore Road and along the southerly limit of Queen street west to its intersection with the southerly production of the westerly limit of Roncesvalles avenue; thence northerly along said production to the place of beginning, are hereby annexed to the city of Toronto and added to Ward No. 6 thereof.

5. All of the property hereby annexed now exempt from taxation under any township by-law shall remain exempt to the same extent and for the same period as if the said lands had not been annexed to the said city.

49 V. c. 66, ss. 13 and 15, and 52 V. c. 73 amended.

6. Sections 13 and 15 of the Act passed in the 49th year of Her Majesty's reign, chaptered 66, as amended by sections 6 and 7 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 73, are further amended by striking out the figures "$575,000," therein and inserting the figures "$700,000," in lieu thereof.

Power to borrow $150,000 for completion of subways and bridges.

7. The council of the corporation of the city of Toronto may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts not exceeding $130,000, as may be necessary for the purpose of completing the construction of any subway or subways, bridge or bridges, and other works authorized by chapter 45 of the Act passed in the 46th year of Her Majesty's reign, or to pay the cost of such subway or subways, bridge or bridges, heretofore constructed; and may issue any number of debentures payable in this Province or elsewhere in sums of not less than $100 each, which may be requisite and necessary therefor, which debentures shall be payable *within* forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding six per centum per annum payable half-yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the council of the said corporation may in any by-law or by-laws to be passed authorizing any such loan or loans or any part thereof and the issuing of debentures therefor, impose a special rate per annum upon all ratable real and personal property within the said municipality to be called "The Railway Crossing Rate" over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum (if any) as the said council may receive from the Railway Companies, referred to in the said Act, or any of them, under any agreement in that behalf, be sufficient over and above the interest payable on such debentures, to form a sinking fund to pay off the said debentures at maturity. The said sinking fund shall be invested in each year either in the debentures provided for by the said Act or any other debentures of the municipality or in Government debentures, but the said council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum $150,000, for the purposes aforesaid under the provisions of *The City of Toronto Debenture Consolidation Act, 1889.*

52 V. c. 74.

8. In the event of Hart A. Massey, Esquire, granting and conveying to the corporation of the city of Toronto, or to trustees for the benefit of the citizens of Toronto, a parcel of land on the corner of Victoria and Shuter streets in the said city, and the music hall to be erected thereon, or in the event of the said Hart A. Massey granting and conveying to the said corporation or trustees as aforesaid any other property or building as a site for, or as a music hall, the corporation of the city of Toronto may exempt such land and buildings from taxation in whole or in part for so long as the same is used as a public music hall under the terms of the said conveyance.

Certain by-laws confirmed.

9. The by-laws of the corporation of the city of Toronto specified in Schedule "B" hereto, and all debentures issued or to be issued thereunder, and all assessments made for payment thereof, are hereby, validated and confirmed.

10. The corporation of the city of Toronto may, without submitting the same to a vote of the ratepayers entitled to vote upon money by-laws, issue "City of Toronto General Consolidated Loan Debentures" to an amount not exceeding $140,000, to defray the cost of certain proposed improvements in and in the neighborhood of Ashbridge's Bay, as referred to in Report No. 37 of the Committee on Works of the Council of the said Corporation, adopted by the said Council on the 21st day of November, 1892, and may enter into contracts for the carrying out of such works or any part thereof, or may do the same or any part thereof by day labor, and may purchase the necessary plant and material therefor, as to the said Council may from time to time seem proper, and may, if necessary, borrow money in advance from banks or other corporations or persons, to pay for such improvements, to be repaid by the proceeds of the sale of such debentures when issued, sold or hypothecated.

SCHEDULE "A."

THIS INDENTURE, made in duplicate the 3rd day of February, one thousand eight hundred and ninety-three, between the corporation of the county of York, hereinafter called "the county," of the first part, and the corporation of the city of Toronto, hereinafter called "the city," of the second part.

Whereas the county is the owner of a certain toll road running from Dufferin street, in the city of Toronto, westerly to a line drawn across the said road at right angles to the northern limit thereof at the distance of six chains west of the west side of the Humber river;

And whereas it has been agreed between the parties hereto that the county should, in consideration of the covenants hereinafter contained on the part of the city to be performed, transfer the said Lake Shore Road to the city.

And whereas the city has agreed to take over and maintain as hereinafter set forth the said Lake Shore Road as defined in chapter 77 of 52nd Victoria of the Statutes of Ontario, including all culverts and bridges upon the line of the said road, and should pay the sum of $750, to the county towards meeting such expenses as have been incurred by the county in connection with litigation involving the title to the said Lake Shore Road as is defined by said statute.

Now therefore this indenture witnesseth that in consideration of the premises and of the covenants and conditions hereinafter set forth by the city to be observed, performed and fulfilled, and upon the conditions herein set forth, the said corporation of the county of York, for themselves and their successors, do hereby grant and convey unto the said corporation of the city of Toronto, their successors and assigns, the said Lake Shore Road described in the Order in Council dated the fourth day April, 1865, transferring the said Lake Shore Road to the corporation of the united counties of York and Peel, and being more particularly described as to part thereof by chapter 77 of the Statutes of the Province of Ontario, passed in the 52nd year of Her Majesty's reign, to have and to hold unto the said corporation of the city of Toronto and their successors and assigns, upon and subject to the following terms and conditions, and subject to the right of the county to maintain the toll gate now situated on said road until the 30th day of June, 1893.

(1) That the city, their successors and assigns, shall, after the said 30th day of June, 1893, keep the said road as defined by the said Act, and all bridges thereon, at all times thereafter, in thorough repair in accordance with the terms and conditions more fully set forth in the said Order in Council.

(2) That the city, its successors and assigns, shall not maintain a toll gate or gates upon the said road, nor collect tolls or fees from any person or persons for passing over the said road, or any portion thereof, or any bridges thereon, but the county shall remove any and all toll gate or gates upon the said road on or before the 1st day of July, 1893, and remove the gatekeeper or keepers thereof without any expense to the city.

(3) That the said road and bridges thereon shall at all times continue to be public highways.

(4) In the arbitration pending between the city and county the said Lake Shore Road is not to be considered an asset of the county to which the city will claim or pretend to claim any share.

2. And it is further agreed by and between the parties hereto as follows:—

(1) That the city shall pay to the county the sum of $750 within one month after this agreement is confirmed by legislation as hereinafter provided, in full of all costs and expenses already incurred in connection with or arising out of actions now pending of the county of York against Ardagh and Leonard, Ardagh and Leonard against the county of York, Wilma Chapman against the county of York, and the county of York against the Sunnyside Boating Company of Toronto (Limited), or any other action or actions which may be brought in connection with the said Lake Shore Road before the execution of this agreement; and the county will indemnify and save harmless the city from all costs incurred or to be incurred in said actions, if continued by the county, beyond the said sum of $750, but the city is to be at liberty to continue any or all of such actions at the expense of the said city after the the execution of this agreement, if the said city so elects and decides; and in case of deciding to continue any one or more of such actions after the execution hereof, then the costs thereafter incurred shall be payable by or to the city as may be determined in such action or actions; but the county shall be free therefrom and the city shall indemnify the county from all liability for costs incurred after the execution hereof; and that the city will pay such amount as may be awarded by way of damages payable to the plaintiff by any award made in pursuance of any order in the said suit of Wilma Chapman *v.* the corporation of the county of York.

(2) That the city will, upon the 31st day of December, 1894, or on such sooner date as may be mutually agreed upon, abolish the imposition and collection of all market fees which the said city is now entitled to collect in the city of Toronto, except from the cattle market as now established or as it may at any time heretofore be established in the said city, if the

county of York will, upon the same day, abolish the collection of all tolls upon all roads belonging to the county, within the county of York. Provided, however, that if the said county do not abolish such tolls on or before the said 31st day of December, 1894, this agreement to abolish market fees shall at once cease and be of no further force or effect.

(3) That the county will not oppose any action or legislation whereby all those parts of the townships of York and Etobicoke bounded on the south by the south limit of the water lots in front of the said road, and on the north by a line drawn parallel with the north side of the Grand Trunk Railway, distant one thousand feet measured northerly from and at right angles thereto, and extending from the west city limit at High Park to the westerly end of the said road, may be annexed to the said city of Toronto.

(4) That the said county shall keep said road in thorough repair within the meaning of the said Order in Council until the said thirtieth day of June, 1893.

(5) That either or both parties to this agreement shall apply to the next session of the Legislature of the Province of Ontario to validate and confirm this agreement, and the other party thereto will consent to such legislation.

3. And the corporation of the city of Toronto, for themselves, their successors and assigns, covenant and agree with the corporation of the county of York, their successors and assigns, that they, the said corporation of the city of Toronto, will fully and in every respect obey, fulfill and perform the said conditions.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed.

Signed, sealed and delivered in the presence of GEO. S. MCFARLEN, As to signatures of A. S. Russell and Geo. Eakin.

A. S. RUSSELL, Warden. { L.S. }
GEO. EAKIN, Clerk.

ROBERT J. FLEMING, Mayor.
R. T. COADY, Treasurer. { L.S. }

SCHEDULE "B."

(*Section 9*).

List of By-Laws providing for the issue of Debentures passed by the Council of the City of Toronto since December 31st, 1891.

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
2954	To provide for the issue of City of Toronto General Debentures to the amount of $31,817, for the purpose of completing certain additions to the Jarvis street and Jameson avenue Collegiate Institutes, and completing the new Harbord street Collegiate Institute.	January 15th, 1892.	31,817 00	31,817 00	.....	40 years ..	4%
2958	To provide for the issue of Local Improvement Debentures of the Corporation of the City of Toronto to the amount of $72,551.61 to defray the ratepayers' share of the cost of certain sewers laid down in the year 1891 as local improvements.	January 15th, 1892.	72,551 61	.....	72,551 61	Various...	4%
2959	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Dagmar avenue and Birtle avenue, and between Pape avenue and Jones avenue, in the Ward of St. Matthew (now in Ward Number One), for the extension of Dagmar avenue from its easterly terminus to connect it with Birtle avenue.	January 15th, 1892.	1,925 20	.....	1,925 20	10 years ..	4%
2960	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Trefann street, between Queen street and Sydenham street, in the Ward of St. David (now in Ward Number Two), for the extension of Trefann street, from its northerly terminus to Sydenham street.	January 15th, 1892.	2,382 85	.....	2,382 85	10 years ..	4%

2961	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Sully street, between Arthur street and College street, in the Ward of St. Stephen (now in Ward Number Five), for the extension of Sully street from its northerly terminus to College street.	January 15th, 1892.	7,867 96	.....	7,867 96	10 years ..	4°/.
2962	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Grafton avenue from Roncesvalles avenue to Triller avenue (formerly Montague street), in the Ward of St. Alban (now in Ward Number Six), for the extension of Grafton avenue, from its easterly limit to Montague Street (now Triller avenue.	January 15th, 1892.	1,787 29	.....	1,787 29	10 years ..	4°/.
2963	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk on the east side of Brunswick avenue, between College street and a point 108 feet north thereof, in the Ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	258 57	.....	258 57	7 years ...	4°/.
2964	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk and stone curbing on the north side of College street, between Spadina avenue and Robert street, in the Ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	2,651 58	.....	2,651 58	7 years ...	4°/.
2965	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Excelsior sidewalk with stone curbing on the east side of Dundas street, between Bruce street and a point 144 feet south on Dundas street, in the Ward of St. Stephen (now in Ward Number Five).	January 15th, 1892.	858 29	.....	858 29	7 years ..	4°/.

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
2966	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk with stone curbs on the south side of Queen street west, between Esther street and Bathurst street, in the Ward of St. Andrew (now in Ward Number Four).	January 15th, 1892.	4,835 05	.....	4,835 05	7 years	4%
2967	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of Queen street, between Spadina avenue and Esther street, in the Ward of St. Andrew (now Ward Number Four).	January 15th, 1892.	3,836 69	.....	3,836 69	7 years ...	4%
2968	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka granite sidewalk and stone curbing on the north side of Queen street, between Berkeley street and Parliament street, in the Ward of St. David (now in Ward Number Two).	January 15th, 1892.	1,689 47	.....	1,689 47	7 years ...	4%
2969	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Eureka sidewalk on west side of Jordan street, from a point in line with the north limit of the first lane of Wellington street and leading westerly from Jordan street, being 93 feet north of Wellington Street, and from thence in a northerly direction for a distance of 30 feet, in the Ward of St. George (now in Ward Number Three.)	January 15th, 1892.	79 89	.....	79 89	5 years....	4%

2970	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the south side of King street, between York street and a point 73 feet west thereof, in the Ward of St. George (now Ward Number Three).	January 15th, 1892.	355 02	.....	355 02	7 years ...	4°/₀
2971	To provide for borrowing money by the issue of Debentures, secured by local special rptes, for the construction of an Eureka sidewalk on both sides of Melinda street, between York street and Bay street, in the Ward of St. George (now in Ward Number Three).	January 15th, 1892.	2,283 85	.....	2,283 85	7 years ...	4°/₀
2972	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka granite sidewalk on the east side of Yonge street, between Carlton street and Wood street, in the Ward of St. James (now in Ward Number Three).	January 15th, 1892.	1,273 06	.....	1,273 06	7 years ...	4°/₀
2973	To provide for borrowing money by the issue of Debentures, secured by local special rates for the construction of an Eureka sidewalk with stone curbing on the north-east corner of Queen street and Gladstone avenue, in the Ward of St. Mark (now in Ward Number Six).	January 15th, 1892.	845 00	.....	845 00	7 years	4°/₀
2974	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk with stone curbing on the north side of Queen street, between Denison avenue and Bathurst street, in the Ward of St. Patrick (now in Ward Number Four.)	January 15th, 1892.	3,937 00	.....	3,937 00	10 years ..	4°/₀
2975	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of an Eureka sidewalk on the north side of Queen street, between Palmerston avenue and a point 163½ feet west therefrom, being the west limit of the property of James and William Crocker, in the Ward of St. Stephen (now in Ward Number Five).	January 15th, 1892	860 74	....	860 74	7 years ...	4°/₀

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
2976	To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of a Eureka sidewalk and stone curbing on the north side of Queen street, between Ontario street and Seaton street, in the Ward of St. Thomas (now Ward Number Two.)	January 15th, 1892.	1,219 34	.....	1,219 34	10 years ..	4°/.
2977	To provide for borrowing money by the issue of Debentures, secured by local special rates for the construction of a concrete sidewalk on both sides of Gerrard street, between Jarvis street and Sherbourne street, in the Ward of St. Thomas (now in Ward Number Two.)	January 15th, 1892.	2,037 31	.....	2,037 31	10 years ..	4°/.
2978	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk on south side of Wellington street, from a point in line with the easterly limit of the premises of George McLean Rose, and being 197 feet east of Bay street, and to the west limit of said premises, in the ward of St. George (now in Ward Number Three).	January 15th, 1892.	488 99	.....	488 99	7 years ...	4°/.
2979	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk on the north side of King street, between Yonge street and Toronto street, in the ward of St. James (now Ward Number Three).	January 15th, 1892.	2,131 94	.....	2,131 94	6 years ...	4°/.

2980	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk and stone curbing on the south side of Queen street, from a point in line with the easterly limit of the new block of stores owned by John Smith, being 104 feet west of Baseball place, to a point 168 feet westerly therefrom, in the ward of St. Lawrence (now in Ward Number One).	January 15th, 1892.	990 82	.....	990 82	7 years ...	4°/₀
2981	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a Granolithic sidewalk on the west side of Spadina avenue, between Nassau street and Oxford street, in the ward of St. Patrick (now in Ward Number Four).	January 15th 1892.	1,390 90	.....	1,390 90	7 years ...	4°/₀
2982	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk with stone curbs on the east side of Spadina avenue, between Queen street and Grange avenue, in the ward of St. Patrick (now in Ward Number Four).	January 15th, 1892.	6,726 79	.....	6,726 79	10 years...	4°/₀
2983	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a stone flag sidewalk on the west side of Yonge street, between College street and Bloor street, in the ward of St. John (now in Ward Number Three).	January 15th, 1892.	14,386 65	.....	14,386 65	15 years...	4°/₀
2984	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a stone flag sidewalk on the north side of Grenville street, between Yonge street and Surrey place, in the ward of St. John (now in Ward Number Three).	January 15th, 1892.	2,005 16	.....	2,005 16	7 years ...	4°/₀
2994	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $67,112.71 to defray the ratepayers' share of the cost of certain cedar block and tamarac pavements laid down in the years 1890 and 1891 as local improvements	February 1st, 1892.	67,112 71	.....	67,112 71	Various...	4°/₀

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Ratepayers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
2995	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $17,398.08 to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1891 as local improvements.	February 1st, 1892.	17,398 08	.....	17,398 08	Various ..	4%
2996	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $15,514.98 to defray the ratepayers' share of the cost of certain sewers laid down in the years 1887 and 1891 as local improvements.	February 1st, 1892.	15,514 98	.....	15,514 98	Various...	4%
2997	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway on Jordan street, between King street and Wellington street, in the ward of St. George (now in Ward Number Three).	February 1st, 1892.	2,717 60	.....	2,717 60	8 years ...	4%
2998	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Melinda street, between Yonge street and Bay street, in the ward of St. George (now in Ward Number Three).	February 1st, 1892.	6,000 00	.....	6,000 00	8 years ...	4%
2999	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Wellington	February 1st, 1892.	14,125 12	.....	14,125 12	8 years ...	4%

	street, between Bay street and York street, in the ward of St. George (now in Ward Number Three).						
3000	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Scott street, between Front street and Colborne street, in the ward of St. Lawrence (now in Ward Number Three).	February 1st, 1892.	3,133 51	.....	3,133 51	9 years ...	4°/.
3001	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Bloor street, between Yonge street and Sherbourne street, in the wards of St. Paul, St. James and St. Thomas (now in Wards Numbers Two and Three).	February 1st, 1892.	22,417 41	.....	22,417 41	9 years ...	4°/.
3002	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block roadway on the east side of Brunswick avenue, between College street and a point 108 feet north, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892.	185 47	.....	185 47	2 years ...	4°/.
3003	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block readway on the west side of Spadina avenue, between Clyde street and Nassau street, in the ward of St. Patrick (now in Ward Number Four.	February 1st, 1892.	489 00	.....	489 00	3 years ...	4°/.
3004	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of the cedar block roadway on the west side of Spadina avenue, between Nassau street and Oxford street, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892.	674 09	.....	674 09	4 years ...	4°/.
3005	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening of a cedar block roadway on the east side of Dundas street, between Bruce street and a point 144 feet south therefrom, in the ward of St. Stephen (now in Ward Number Five).	February 1st, 1892.	83 01	....	83 01	2 years ...	4°/.

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3006	To provide for borrowing money by the issue of debentures, secured by local special rates, for raising the grade of Queen street and constructing of a cedar block roadway thereon from a point 42 feet east of the easterly limit of Bellwoods avenue to a point 600 feet west on the line of Queen street, in the ward of St. Stephen (now in Ward Number Five).	February 1st, 1892.	3,661 38	.....	3,661 38	10 years ..	4°/₀
3007	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Steiner street, between Matilda street and the River Don, in the ward of St. Matthew (now in Ward Number One).	February 1st, 1892.	967 31	.....	967 31	20 years ..	4°/₀
3008	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a stone flag sidewalk on the west side of Yonge street, between Queen street and College street, in the ward of St. John (now in Ward Number Three).	February 1st, 1892.	16,027 46	.....	16,027 46	6 years....	4°/₀
3009	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Granolithic sidewalk and stone curbing on the west side of Spadina avenue, between Nassau and Clyde streets, in the ward of St. Patrick (now in Ward Number Four).	February 1st, 1892.	2,062 04	.....	2,062 04	6 years ...	4°/₀

3010	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Hawthorne terrace, between Dowling avenue and Jamieson avenue, in the ward of St. Alban (now in Ward Number Six), for the extension of Hawthorne terrace.	February 1st, 1892.	3,894 60	.....	3,894 60	10 years ..	4%
3011	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Sully street, between Arthur street and Bloor street in the ward of St. Stephen (now in Ward Number Five), for the widening of Sully street.	February 1st, 1892.	3,244 01	.....	3,244 01	3 years....	4%
3012	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Sunnyside avenue, between Lake Shore road and High Park avenue in the ward of St. Mark (now in Ward Number Six), for the opening of Sunnyside avenue.	February 1st, 1892.	36,517 77	.....	36,517 77	20 years...	4%
3014	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Melady's lane, between Sydenham street and St. David street, in the ward of St. David (now in Ward Number Two).	Febru ary 15th,18 .	703 60	.....	703 60	20 years...	4%
3015	To provide money by the issue of debentures, secured by special rates for the construction of a sewer on Yonge street, between Anne street and St. Alban's street, in the wards of St. James and St. John (now in Ward Number Three).	February 15th,1892.	12,070 71	.....	12,070 71	20 years...	4%
3016	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Sheridan avenue, between a point 350 feet north of Bank street and Dundas street, in the ward of St. Mark (now in Ward Number Six).	February 15th,1892.	1,802 43	.....	1,802 43	10 years ..	4%

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3017	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Piper street, between York street and a point 183½ feet easterly, in the ward of St George (now in Ward Number Three).	February 15th, 1892.	709 15	.....	709 15	8 years....	4%
3018	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Piper street, between a point 183½ feet east of York street, and the east terminus of Piper street, in the ward of St. George (now in Ward Number Three).	February 15th, 1892.	1,499 74	.....	1,499 74	8 years....	4%
3019	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Phœbe street, between Spadina avenue and Soho street, in the ward of St. Patrick (now in Ward Number Four).	February 15th, 1892.	3,436 60	.....	3,436 60	10 years ..	4%
3020	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Avenue road, between Davenport road and the north city limit, in the ward of St. Paul (now in Wards Numbers Three and Four).	February 15th, 1892.	8,431 93	.....	8,431 93	9 years....	4%
3021	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construc-	February 15th, 1892.	10,295 87	.....	10,295 87	9 years....	4%

	tion of a cedar block roadway on Roxborough street, between Yonge street and a point 2,182 feet easterly, in the ward of St. Paul (now in Ward Number Two).						
3022	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Spadina road, between Barnard avenue and the Canadian Pacific Railway, in the ward of St. Paul (now in Ward Number Four).	February 15th, 1892.	3,791 77	.....	3,791 77	10 years ..	4%
3023	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Christie street, between Bloor street and Melville street, in the ward of St. Stephen (now in Ward Number Five).	February 15th, 1892.	6,690 43	.....	6,690 43	7 years....	4%
3024	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on St. George street, between College street and Bloor street, in the ward of St. Patrick (now in Ward Number Four).	February 15th, 1892.	37,284 02	.....	37,284 02	10 years ..	4%
3025	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Gerrard street, between Jarvis street and Sherbourne street, in the ward of St. Thomas (now in Ward Number Two).	February 15th, 1892.	7,011 15	.....	7,011 15	10 years ..	4%
3027	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Jones avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the grading of Jones avenue.	February 15th, 1892.	2,062 35	.....	2,062 35	5 years....	4%

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3030	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $19,201.57, to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the year 1891, as local improvements.	February 29th, 1892.	19,201 57	.....	19,201 57	Various. . .	4%
3031	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of $7,097.45, to defray the ratepayers' share of the cost of certain sewers laid down in the year 1891, as local improvements.	February 29th, 1892.	7,097 45	.....	7,097 45	Various. . .	4%
3032	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of an asphalt roadway and stone curbing on Bay street, between King street and Queen street, in the ward of St. Andrew (now in Ward Number Three).	February 29th, 1892.	12,806 94	.....	12,806 94	8 years....	4%
3033	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Hamburg avenue, between Bloor street and Union street, in the ward of St. Mark (now in Ward Number Six).	February 29th, 1892.	16,041 32	.....	16,041 32	8 years....	4%

3034	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block and stone roadway and private drains on Bloor street, between Bathurs street and Dufferin street, in the wards of St. Stephen and St. Mark (now in Wards Numbers Five and Six).	February 29th, 1892.	22,261 10	....	22,261 10	10 years. .	4°/₀
3035	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing and also private drains on Rosedale road, between North drive and Roxborough street, in the ward of St. Paul (now in Ward Number Two).	February 29th, 1893.	740 67	.....	740 67	6 years. ..	4°/₀
3036	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cobble stone roadway n Rossin house lane, between York street and its east terminus, in the ward of St. George (now in Ward Number Three).	February 29th, 1893.	767 80	.....	767 80	6 years ..	4°/₀
3037	To provide for borrowing money by the issue of debentures, secured by l cal s ecial rates, for the construction of a granolithic sidewalk and stone curbing on the north-east corner of Victoria street and Adelaide street, in the ward of St. James (now in Ward Number Three).	February 29th, 1893.	1,555 98	.....	1,555 98	5 years ...	4°/₀
3038	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a Eureka sidewalk and stone curbing on the north side of College street, between Robert street and Major street, in the ward of St. Patrick (now in Ward Number Four).	February 29th, 1892.	1,141 92	.....	1,141 92	9 years ...	4°/₀

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3039	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wood sidewalk and stone curbing on Grosvenor street between Yonge street and St. Vincent street, in the ward of St. John (now in Ward Number Three).	February 29th, 1892.	1,192 98	.....	1,192 98	4 years....	4%
3040	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wood sidewalk and cedar curbing on Strachan avenue, between King street and Queen street, in the ward of St. Andrew (now in Ward Number Five).	February 29th, 1892.	1,134 33	.....	1,134 33	5 years ...	4%
3041	To provide for borrowing money by the issue of debentures secured by local special rates, for the construction of curbing and removal of culverts on Claremont street, between Queen street and Robinson street, in the ward of St. Stephen (now in Ward Number Five).	February 29th, 1892.	249 75	.....	249 75	1 year	4%
3042	To provide for borrowing money by the issue of debentures, secured by local special rates, an additional sum required for the construction of a macadam and stone roadway and stone curbing on Bloor street, between Yonge street and Avenne road, in the wards of St. Paul and St. John (now in Ward Number Three).	February 29th, 1892.	300 00	.....	300 00	4 years....	4%
3044	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount	March 14th, 1892..	23,806 49	.....	23,806 49	Various...	4%

	of $23,806.49, to defray the ratepayers' share of the cost of certain sidewalks laid down in the year 1891, as local improvements.						
3045	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Gerrard street, between Logan avenue and Greenwood avenue, and on Carlaw avenue, between a point 1,200 feet north of Queen street, and a point 600 feet south of Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the construction of a subway at the intersection of Gerrard street, Carlaw avenue and the Grand Trunk Railway.	March 14th, 1892..	16,681 93	.....	16,681 93	20 years....	4%
3046	To provide money by the issue of debentures, secured by special rates, for the construction of a sewer on Carlaw avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One).	March 14th, 1892..	21,450 96	.....	21,450 96	20 years...	4%
3047	To provide for borrowing money by the issue of debentures, secured by local special rates, for the widening and construction of a cedar block roadway on the north side of College street, between Robert street and Spadina avenue, in the ward of St. Patrick (now in Ward Number Four).	March 14th, 1892..	530 35	.....	530 35	3 years....	4%
3048	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Leslie street, between Queen street and Ashbridge's Bay, in the ward of St. Lawrence (now in Ward Number One).	March 14th, 1892..	3,705 97	.....	3,705 97	10 years...	4%
3049	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Byron avenue, formerly Ross street, between Chatham street, formerly Sheridan avenue, and Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the grading of Byron avenue.	March 14th, 1892..	2,748 27	.....	2,748 27	5 years....	4%

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt. created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3050	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Chatham street, formerly Sheridan avenue, between Greenwoods avenue and its western terminus, in the ward of St. Matthew (now in Ward Number One), for the grading of Chatham street.	March 14th, 1892..	903 18	.....	903 18	5 years....	4%
3051	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Carlaw avenue, between Queen street and Danforth avenue, in the ward of St. Matthew (now in Ward Number One), for the extension of Carlaw avenue.	March 14th, 1892..	46,770 88	.....	46,770 88	10 years...	4%
3053	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amoun of $2,199.90, to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1891, as local improvements.	March 28th, 1892..	2,199 90	.....	2,199 90	Various...	4%
3054	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Gordon street, between Dufferin street and Sheridan avenue, in the ward of St. Mark (now in Ward Number Six).	March 28th, 1892..	1,310 63	.....	1,310 63	5 years....	4%

3055	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway on Palmerston avenue, between Bloor street and the Ontario and Quebec Railway Company's lands, in the Ward of St. Stephen (now in Ward Number Five).	March 28th, 1892..	10,458 37	.....	10,458 37	8 years....	4°/₀
3078	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of $248,110, for the purpose of providing funds for the paving of portions of streets occupied by the Toronto Railway Company.	June 13th, 1892....	248,110	248,110	....	10 years...	4°/₀
3086	To provide for the issue of "City of Toronto General Consolidated Loan Debentures," to the amount of $150,000, for extending and improving the exhibition park and erecting additional buildings and otherwise improving the said park for exhibition purposes.	July 13th, 1892....	150,000	150,000	.....	20 years...	4°/₀
3090	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of $194,500, for the purpose of providing funds for the paving portions of streets occupied by the Toronto Railway Company.	Sept. 26th, 1892....	.194,500	194,500	.....	10 years...	4°/₀
3098	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Beaty avenue, between King street and Queen street, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892 ...	702 12	.....	702 12	3 years....	4°/₀
3099	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on Sorauren avenue, between Queen street and the north limit of St. Alban's ward, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	1,731 33	.....	1,731 33	3 years....	4°/₀

List of By-Laws, etc.—*Continued.*

Number.	TITLE OF BY-LAW.	When passed.	Amount of debt created.	To be borne by the City.	To be borne by the Rate-payers.	Period of payment.	Rate of interest.
			$ c.	$ c.	$ c.		
3100	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Beaty avenue, between King street and Queen street, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	433 11	.....	433 11	7 years....	4%
3101	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Lansdowne avenue, between Queen street and Union street, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	269 49	.....	269 49	5 years....	4%
3102	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Maynard avenue, from King street to Leopold street, and on Leopold street between Jamieson avenue and Maynard avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	298 26	.....	298 26	6 years....	4%
3103	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block and cobble roadway and wood curbing on College street, between Ossington avenue and Dufferin street, in the wards of St. Stephen and St. Mark (now in Wards Numbers Five and Six).	Nov. 21st, 1892....	367 00	.....	367 00	6 years....	4%

3104	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing and sidewalks on Ruth street, between Roncesvalles avenue and Sorauren avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	363 50	.....	363 50	7 years....	4%
3105	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on the north side of Abbs street, between Brockton road and its west end, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	42 03	.....	42 03	3 years....	4%
3106	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Pearson avenue, between Sorauren avenue and Roncesvalles avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	413 59	.....	413 59	3 years....	4%
3107	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on the north side of Union street, between Lansdowne avenue and Macdonnell avenue, in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	39 44	.....	39 44	3 years....	4%
3108	To provide for borrowing an additional sum of money by the issue of debentures, secured by local special rates, for the construction of a wooden sidewalk on both sides of Duncan street, now Wright avenue, between Sorauren avenue and line between lots 16 and 17 in the ward of St. Alban (now in Ward Number Six).	Nov. 21st, 1892....	136 93	.....	136 93	3 years....	4%

No. 35.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the City of Toronto.

First Reading, 26th April, 1893.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. CLARKE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 36.] BILL. [1893.

An Act to confer certain powers on the Town of Strathroy.

Preamble.

WHEREAS the town of Strathroy has, by petition, represented that serious loss to the town has resulted from the destruction by fire of a large industrial establishment within the town, that many of the inhabitants have in consequence been thrown out of employment, and have prayed that to repair the loss special powers may be granted to enable them to secure the establishment within the said town of industrial enterprises of equal labour-giving extent to that destroyed by fire; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to grant aid to industrial enterprises.

1. It shall be lawful for the town of Strathroy to grant aid by way of loan or bonus to secure the establishment of industrial enterprises within said town, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $20,000, to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

By-laws for granting aid to industrial enterprises.

2. No such aid by way of loan, bonus or subscribed stock, or any of them, shall be given until after the passing of by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

55 V. c. 42, ss. 209-222 incorporated.

3. Sections 209 to 222, inclusive, of *The Consolidated Municipal Act, 1892*, shall be taken and considered as part of this Act.

Assent of one-half of ratepayers entitled to vote required as well as a majority of votes.

4. (1 To render valid a by-law for the granting of aid under this Act, whether by gift or loan, or the guaranteeing of of money borrowed in aid of industsial enterprises, or the taking of stock in such, the assent shall be necessary of one-half of all ratepayers who are entitled to vote, as well as a majority of the ratepayers voting on the by-law.

Certificate of clerk as to necessary vote having been given.

(2) In addition to the certificate required by section 318 of *The Consolidated Municipal Act*, the clerk, in case of a majority of votes being in favour of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be one-half of all the voters who are entitled to vote on the by-law.

County judge to decide disputes as to result of voting.

(3) In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Procedure on appeal to judge.

(4) The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

55 V. c. 42, ss. 293-319, and 321-328 incorporated.

5. Sections 293 to 319, and sections 321 to 328, inclusive of *The Consolidated Municipal Act, 1892*, and their sub-sections, shall be taken and considered as part of this Act.

General provisions of 55 V. c. 42, as to creating debts to apply.

6. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

No. 36.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to confer certain powers on the Town of Strathroy.

First Reading, 1893.

(Private Bill.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printe to the Queen's Most Excellent Majesty.

No. 36.] **BILL.** [1893.

An Act to confer certain powers on the Town of Strathroy.

Preamble.

WHEREAS the town of Strathroy has, by petition, represented that *disastrous* loss to the town has resulted from the destruction by fire of *the principal* industrial establishment within the town, that many of the inhabitants have in consequence been thrown out of employment, and have prayed that to repair the loss special powers may be granted to enable them to secure the establishment within the said town of industrial enterprises of equal labour-giving extent to that destroyed by fire; and whereas the case of the said town is, by reason of the said disaster, quite exceptional, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to grant aid to industrial enterprises.

1. *Subject as hereinafter provided, it* shall be lawful for the town of Strathroy to grant aid by way of loan or bonus to secure the establishment of industrial enterprises within said town, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of $20,000, to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

By-laws for granting aid to industrial enterprises.

2. No such aid by way of loan, bonus or subscribed stock, or any of them, shall be given until after the passing of by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without any such bonus;

(3) No bonus shall be granted by the said municipality to secure the removal thereto of an industry already established elsewhere in the Province;

(4) No bonus shall be granted in aid of any manufacturing industry, where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest, exceeding ten per cent. of the total annual municipal taxation thereof; (5)

Certificate of clerk as to necessary vote having been given.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act,* the clerk, in case of a majority of votes being in favour of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be *two-thirds* of all the voters who are entitled to vote on the by-law.

County judge to decide disputes as to result of voting.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Procedure on appeal to judge.

6. The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

55 V. c. 42, ss. 293 319, and 321-328 incorporated.

7. Sections *209 to 222*, 293 to 319, and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their sub-sections, shall be taken and considered as part of this Act.

General provisions of 55 V. c. 42, as to creating debts to apply.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

No. 36.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to confer certain powers on the Town of Strathroy.

First Reading, 14th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printed to the Queen's Most Excellent Majesty.

No. 37.] **BILL.** [1893.

An Act respecting the Chatham Waterworks Company.

Preamble.

WHEREAS, by the Act passed in the 55th year of Her Majesty's reign, chaptered 66, intituled *An Act to confer certain powers upon the Chatham Waterworks Company*, the said company was empowered to increase its capital stock to $250,000, and to borrow a sum not exceeding $225,000; and whereas the said company desire to obtain power to still further increase its capital stock, and to borrow any sum not exceeding $275,000, and for these purposes has petitioned that an Act may be passed authorizing it to increase its capital stock to an amount not exceeding $300,000, and to borrow a sum not exceeding $275,000, under the provisions of Chapter 164 of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, instead of the sums limited by the last mentioned Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to increase capital stock to $300,000.

1. The Chatham Waterworks Company, of the town of Chatham, in the county of Kent, and Province of Ontario, is hereby authorized and empowered to increase its capital stock to a sum not to exceed $300,000 under the formalities provided by section 43 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, and all the provisions of the said Act relating to the increase, management and disposition of, or subscription for, stock of such companies, or in any other way relating to such stock, are hereby incorporated with and shall form part of this Act, and shall apply to the said the Chatham Waterworks Company, except that in such case the figures $200,000 in the sixth line of sub-section 3 of section 2 of the said Act shall read $300,000.

Rev. Stat., c. 164.

Power to borrow $275,000.

2. The said the Chatham Waterworks Company is hereby further authorized and empowered to borrow from any person or persons, body or bodies politic or corporate or associated as a company or co-partnership, either in this province or out of it, a sum or sums of money not exceeding in the whole the sum

of $275,000, at any rate of interest in conformity with the laws of Canada that the president and directors of the said company deem necessary or proper.

Rev. Stat., c, 164, ss. 71, 73, 80, to apply.

3. The provisions of sections 71, 73, 74, 75, 76, 77, 78, 79, and 80 of the said *Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, and all other powers and provisions of the said Act relating or applicable to the raising or borrowing of money and securing the repayment thereof are incorporated with and form a part of this Act, and shall apply to and are conferred upon the said the Chatham Waterworks Company, except only in so far as they are inconsistent with the express enactments hereof.

No. 37.

3rd Session, 7th Legislature, 56 Vict. 1893.

BILL.

An Act respecting the Chatham Water-works Company.

First Reading, 1893.

(Private Bill.)

Mr. FERGUSON.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 37.] BILL. [1893.

An Act respecting the Chatham Waterworks Company.

Preamble.

WHEREAS, by the Act passed in the 55th year of Her Majesty's reign, chaptered 66, intituled *An Act to confer certain powers upon the Chatham Waterworks Company*, the said company was empowered to increase its capital stock to $250,000, and to borrow a sum not exceeding $225,000; and whereas the said company desire to obtain power to still further increase its capital stock, and to borrow any sum not exceeding $275,000, and for these purposes has petitioned that an Act may be passed authorizing it to increase its capital stock to an amount not exceeding $300,000, and to increase the borrowing power of the company to a sum not exceeding $275,000, under the provisions of Chapter 164 of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, instead of the sums limited by the last mentioned Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to increase capital stock to $300,000.

Rev. Stat., c. 164.

1. The Chatham Waterworks Company, of the town of Chatham, in the county of Kent, and Province of Ontario, is hereby authorized and empowered to increase its capital stock to a sum not to exceed $300,000 under the formalities provided by section 43 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, and all the provisions of the said Act relating to the increase, management and disposition of, or subscription for, stock of such companies, or in any other way relating to such stock, are hereby incorporated with and shall form part of this Act, and shall apply to the said the Chatham Waterworks Company, except that in such case the figures $200,000 in the sixth line of sub-section 3 of section 2 of the said Act shall read $300,000.

Power to borrow $275,000.

2. The said the Chatham Waterworks Company is hereby further authorized and empowered to borrow from any person or persons, body or bodies politic or corporate or associated as a company or co-partnership, either in this province or out of it, a sum or sums of money not exceeding in the whole the sum

of $275,000, at any rate of interest in conformity with the laws of Canada that the president and directors of the said company deem necessary or proper.

55 V. c. 66, s. 2, to apply.

3. The provisions of section 2 of chapter 66 of the Acts passed in the 55th year of Her Majesty's reign are incorporated with and shall form part of this Act.

No. 37.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Chatham Water-works Company.

First Reading, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 38.] **BILL.** [1893.

An Act to incorporate the Toronto, Sudbury, and North-West Railway Company.

Preamble.

WHEREAS the construction of a railway from the city of Toronto, northward and westward, to afford shorter and more direct connection than any which now exists between the said city and the main line of the Canadian Pacific Railway, as well as the Sault Ste. Marie branch thereof, would be of general benefit; and whereas a petition has been presented praying for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Robert Davies, Lewis Lukes, Robert Lawrence Patterson, Patrick Larkin and John Sheridan, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic by the name of the Toronto, Sudbury, and North-West Railway Company.

Location of line.

2 The said company shall have full power and authority to survey, lay out, construct, complete, equip, and operate a single or double line of railway from a point in or near the city of Toronto, thence extending northerly, keeping to the east of Lake Simcoe to a point in or near the town of Gravenhurst in the District of Muskoka, thence northerly to a point in or near the town of Parry Sound in the district of Parry Sound, thence northerly to French River, thence still northerly to a point on the main line of the Canadian Pacific Railway at or near the town of Sudbury in the district of Nipissing; also with power to build a branch line from French River, or from such point on their main line north of French River westerly, in such way as the directors may determine, to connect with the Sault Ste. Marie branch of the Canadian Pacific Railway at some point at or near Spanish River, and all the company's powers shall be applicable to such branch.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Robert Davies, Lewis Lukes, Robert L. Patterson, Patrick Larkin and John Sheridan, with power to add to their numbers, shall be and are hereby constituted a board of provisional directors of the said company, of whom three shall form a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payments on account of the stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held in the City of Toronto, in the county of York, or at such other place as may best suit the interests of the said company.

Rev. Stat. c. 170.

Power to receive payments on shares in advance and allow interest thereon.

6. The said provisional directors or board of directors may if they think fit, receive from any shareholder willing to advance the same all or any part of the amount due or to become due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance as shall from time to time exceed the amount of the calls made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum, as the shareholders paying such sums in advance and the provisional directors or board of directors shall agree upon.

Allotment of stock.

7. It shall be lawful for the said provisional directors or board of directors, in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such

calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call made in accordance with the provisions contained in section 35 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share. Rev. Stat. c. 170.

Form of conveyance of land.

8. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in Schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions not binding until approved

9. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

10. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

11. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied in the acquisition, making, equipping, maintaining and completing of the said

railway and to the other purposes of this Act, and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors.

12. When and so soon as shares to the amount of $100,000 of the capital stock of the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors, or a majority of those present at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of Toronto, in the said county of York, of the time, place and purpose of the said meeting.

13. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have so paid up ten per centum on the stock subscribed by them, shall elect five or seven persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting and until their successors shall have been elected, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*, and the said board of directors may employ and pay one of their number as managing director.

Rev. Stat. c. 170.

Qualification of directors.

14. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls.

15. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than 20 per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given each call as provided in section 17 of this Act.

Certain payments may be made in stock or bonds.

16. The provisional directors or the elected directors may pay or agree to pay in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, buildings or lands, or for material plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual meetings.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the city of Toronto during the four weeks preceding the week in which such meeting is held.

Special meetings.

18. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Uses of highways.

19. Any municipality through which the said railway passes, and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Aid from municipalities.

20. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which, or in or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the

provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Provisions as to bonus by-laws.

21. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1892*, and amendments thereto.

55 V. c. 42.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

22. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years or such longer time, not exceeding forty years, as may be agreed upon

between the council and the company, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Provision for referring disputes as to by-laws to arbitration.

23. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expenses of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

24 The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit for expenses.

25. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

If by-law approved, council to pass same,

26. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures.

27. Within one month after the passing of such by-law the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rate on a portion of a municipality.

28. In case any such loan guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for the payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of municipal Acts as to by-laws.

29. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

30. The councils of all corporations that may grant aid by way of bonus, gift, loan or guarantee to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

31. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, gift, loan or guarantee to the said company by resolution or by-law to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus or any other consequence might follow) under the agreement between the municipality and company from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents on the dollar valid.

32. Any municipality, or portion of a township municipality interested in the construction of the railway of the said company, may grant aid by way of bonus to the said company toward the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Exemption from taxation.

33. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise ingross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such

term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grant of land.

34. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control, which may be required for right of way station grounds, piers, wharves, docks, elevators, storehouses, warehouses, engine-houses, and other erections for the uses of the company, or for other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

35. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or for gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for the construction and maintenance of railway.

36. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 170.

Sidings to gravel pits.

37.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat., c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9, of section 20, of *The Railway Act of Ontario* shall not apply.

Acquiring land for warehouses, etc.

38. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase and hold such land as may be required at each extremity of the said railway, and at intermediate points for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or any portion thereof in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any lake, pond, stream or water-course at or near which the said railway passes or is situate, doing however no unnecessary damage thereto and not impairing the usefulness of such lake, pond, stream or water-course.

Snow fences.

39. The said company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon the lands of any corporation or persons whatsoever lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided, always that any such snow fences so erected shall (if required), be removed on or before the 1st day of April next following.

Trustees of debentures.

40. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said railway company the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the

Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees: any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

41. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or the amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of The Toronto, Sudbury and North West Railway Municipal Trust Account, and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in the schedule "B" hereto or to the like effect; which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

42. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

43. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23, and 24 of section 9, of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of Her Majesty's reign, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub sections.

Negotiable instruments.

44. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note and bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Pledging bonds.

45. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway or for the use of stations, tracks and terminal facilities, or touching any service to be rendered by one company to another and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding and shall be enforced by law according to the terms and tenor thereof.

Agreements with other railway companies.

46. It shall be lawful for the directors of the company to enter into agreement with any company or companies (if lawfully authorized to enter into such agreement) person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock, and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized for the use, by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements for amalgamation with other companies.

47. The said company shall have power to make running arrangements with any railway company or companies which is or are lawfully empowered to enter into such an agreement upon terms to be approved by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be held for that purpose, and it shall also be lawful

for the said company to enter into any agreement with any other railway company or companies whose line or lines connect therewith, and which is or are lawfully authorized to enter into such an agreement for leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either or of both or of any of them or any part thereof.

Running arrangements.

48. The said company shall at all times work and operate its railway so as to afford equal facilities for the receipt, transmission and transportation to, from, or over the same of the traffic of all other lines of railway in Canada which may connect with the railway of the said company, and the said company shall establish, levy, and collect equal tolls, rates and charges, in respect of the traffic received from, or to be delivered to, all such other railways, and so that the same shall be received, transferred, transported, and delivered, and the tolls and charges in respect of the same shall be levied and collected on terms of absolute equality, and without discrimination of any sort in favour of or against the traffic of any other such railway. The word "traffic" in this section, shall mean, not only passengers and their baggage, goods, animals, and things conveyed by railway, but also cars, trucks, and vehicles of any description adapted for running on any railway, and whether loaded or unloaded, owned or leased by or consigned to any such other connecting railway in Canada, but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within legislative authority of this province.

Telephone and telegraph lines.

49. The said company may also construct an electric telegraph line and telephone line in connection with their railway and for the purpose of constructing, working, and protecting the said telegraph and telephone lines; the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, are hereby conferred upon the said company.

Rights of aliens.

50. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company.

Transfer of shares.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to hold additional property.

52. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, wharves, piers, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight, and other traffic in connection with the railway.

Power to collect back charges on goods.

53. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person or persons, company or companies, to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons or companies for such charges.

Power to make certain payments in stock or bonds.

54. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the railway, or any part thereof, including or excluding the purchase, or otherwise obtaining of the right of way, and may pay therefor, either in the whole or in part, either in cash or bonds or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting convened for considering the same.

Construction of line in sections.

55. The company is hereby authorized and empowered to take and make surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to plans and surveys by sections, or portions less than the whole length of the said railway authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *The Railway Act of Ontario* and the amendments thereof, applied to, included in, or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass,

Rev. Stat. c. 170.

Rev. Stat. c. 170.

together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Incorporation of sections of Rev. Stat. c. 170.

56 The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Time for commencement and completion.

57. The said railway shall be commenced within three years and completed within eight years from the passing of this Act.

SCHEDULE "A."

(*Section 8.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Toronto, Sudbury and North-west Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said The Toronto, Sudbury and North-west Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D., 18

Signed, sealed and delivered in presence of } (L.S.)

SCHEDULE "B."

(*Section 41.*)

THE TORONTO, SUDBURY AND NORTH-WEST RAILWAY COMPANY'S OFFICE.

CHIEF ENGINEER'S CERTIFICATE.

No. *Engineer's Department,*
A.D., 18

Certificate to be attached to the cheques drawn on The Toronto, Sudbury and North-west Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, chief engineer of The Toronto, Sudbury and North-west Railway Company do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 38.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate The Toronto, Sudbury and North-west Railway Company.

First Reading, 1893.

(Private Bill).

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 39.] BILL. [1893.

An Act respecting The Metropolitan Street Railway Company.

Preamble.

WHEREAS the Metropolitan Street Railway Company of Toronto was incorporated for the purpose of constructing and operating street railways, and has constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company by their petition have prayed that an Act may be passed to change the name of the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

1. The name of The Metropolitan Street Railway Company of Toronto is hereby changed, and the corporate name of the company is hereby declared to be The Metropolitan Railway Company.

Agreements with county confirmed.

2. The following agreements, namely, An agreement between the municipal council of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 25th day of June, 1884; An agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 20th day of January, 1886; an agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 8th day of June, 1889; An agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 17th day of December, 1889; An agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 20th day of October, 1890, and An agreement between the municipal corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 2nd day of March, 1891, are hereby confirmed and declared to be valid and within the powers of the parties thereto, and to be binding upon the said the corporation of the county of York and upon The Metropolitan Street Railway Company of Toronto, respectively.

By-law No. 592 of county of York confirmed.

3. By-law No. 592 of the corporation of the county of York, intituled "A by-law to authorize and empower The Metropolitan Street Railway Company of Toronto to extend

their line of railway from their present northerly limit to the village of Richmond Hill," is hereby confirmed and declared to be valid and within the powers of the said the corporation of the county of York, and to be binding according to the terms thereof upon the said county.

Extension of line.

4. The company are hereby authorized and empowered to extend, equip, maintain and operate their line of railway to lake Simcoe, or to any intermediate point between the present northern terminus and lake Simcoe, and to build branches from their said railway and from any extension that may be constructed under the powers given under this Act, to the village of Markham, to the town of Newmarket, and through the village of Schomberg to the village of Tottenham or Beeton, or such other point in the county of Simcoe as may be expedient; also to extend from some point on the present line to the city of Hamilton, and to equip, maintain and operate such extensions.

Certain sections Rev. Stat., c. 170 to apply to extensions.

5. All the powers, privileges, rights and authorities set forth in the clauses of *The Railway Act* and the amendments thereto incorporated with and made a part of *The Act to incorporate the Metropolitan Street Railway Company of Toronto* may be exercised in any municipality where the line of the said company is constructed; or is by this Act authorized to be constructed; provided always that any extension of the line of railway on Yonge street northerly from the present terminus may be made with the consent of the corporation of the county of York and subject to any agreement that may be made between the said company and the said municipality, and provided also that any extension hereby authorized, other than the extension on Yonge street aforesaid, shall not be constructed upon and along any street or highway without the consent of the municipality having jurisdiction over such street or highway.

Carrying powers.

6. The said company shall have the power to take, transport and carry passengers, freight, express and mail matter over their said railway and the extension or extensions thereof.

Use of electricity.

7. The said company may operate their railway as an electrical railway, and may construct, maintain and operate works for the production of electricity for any of the purposes of the said company, and may manufacture and sell all electrical material and apparatus, connections, and fixtures in connection therewith, and the said company may sell or lease the electricity so produced to any person or corporation, and for such purposes shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under *The Act respecting Companies for Steam and Heating, or for supplying electricity for light, heat or power.*

Rev. Stat. c. 165.

8. The said company may utilize the electricity so produced for the pumping and supplying of water, and for such purposes shall have the powers conferred upon companies under sections 51 to 53, 60, 62, to 67, 71, 73 and 75 to 97 of *The Act respecting Joint Stock Companies for supplying cities, towns and villages with gas and water.* Pumping and supplying water. Rev. Stat. c 164.

9. The said company is authorized to construct, lease, maintain and operate telegraph and telephone lines, cars and boats for passenger or freight traffic, and shall have power to connect or amalgamate with, sell or lease to, or make running or other traffic arrangements with any railway, street railway, or steamboat company, or shall have power to acquire by purchase, or lease for a term of years, the railway, street railway, or steamboats of any such company. Telegraph and telephone lines.

10. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold, for any estate in the same, and to sell, lease, alienate, or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and to increase, but not beyond the limit of 200 acres in any one municipality, the area of such lands from time to time; and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section. Power to acquire lands.

11. The directors of the said company are hereby authorized, in addition to their present borrowing powers, to make and issue from time to time, bonds and debentures of the said company to the extent of $20,000 per mile for each and every mile of the said railway, such bonds and debentures to be in sums of not less than $100 each, and on such terms and credit as they may think proper, which said bonds and debentures may be made the first preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments now existing, or at any time hereafter acquired; subject always to the rights of any then existing bondholders; and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and Issue of bonds to $20,000 per mile authorized.

and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided always that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy, at any meeting of the company specially called for that purpose, shall be first had and obtained.

Inconsistent enactments repealed.

12. All the provisions of the Act incorporating the said company inconsistent with this Act are hereby repealed and declared to be of no force and effect.

No. 39.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Metropolitan Street Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. GILMOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 39.] **BILL.** [1893.

An Act respecting The Metropolitan Street Railway Company.

Preamble.

WHEREAS the Metropolitan Street Railway Company of Toronto was incorporated for the purpose of constructing and operating street railways, and has constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company by their petition have prayed that an Act may be passed to change the name of the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

1. The name of The Metropolitan Street Railway Company of Toronto is hereby changed, and the corporate name of the company is hereby declared to be The Metropolitan *Street* Railway Company.

Agreements with county confirmed.

2. The following agreements, namely, An agreement between the municipal council of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 25th day of June, 1884; An agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 20th day of January, 1886; an agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 28th day of June, 1889; An agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 17th day of December, 1889; An agreement between the corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 20th day of October, 1890, and An agreement between the municipal corporation of the county of York and The Metropolitan Street Railway Company of Toronto, dated the 2nd day of March, 1891, are hereby confirmed and declared to be valid and within the powers of the parties thereto, and to be binding upon the said the corporation of the county of York and upon The Metropolitan Street Railway Company of Toronto, ☞ and under its name so changed as aforesaid ☜ respectively.

By-law No. 592 of county of York confirmed.

3. By-law No. 592 of the corporation of the county of York, intituled "A by-law to authorize and empower The Metropolitan Street Railway Company of Toronto to extend

their line of railway from their present northerly limit to the village of Richmond Hill," is hereby confirmed and declared to be valid and within the powers of the said the corporation of the county of York, and to be binding according to the terms thereof upon the said county.

Extension of line.

4. The company are hereby authorized and empowered to extend, equip, maintain and operate their line of railway within the county of York to lake Simcoe, or to any intermediate point between the present northern terminus and lake Simcoe, and to build branches from their said railway and from any extension that may be constructed under the powers given under this Act, to the village of Markham, to the town of Newmarket, and the village of Schomberg, and to equip, maintain and operate such extensions.

Certain sections Rev. Stat., c. 170 to apply to extensions.

5. All the powers, privileges, rights and authorities set forth in the clauses of *The Railway Act* and the amendments thereto incorporated with and made a part of *The Act to incorporate the Metropolitan Street Railway Company of Toronto* may be exercised in any municipality where the line of the said company is constructed; or is by this Act authorized to be constructed; provided always that any extension of the line of railway on Yonge street northerly from the present terminus may be made with the consent of the corporation of the county of York and subject to any agreement that may be made between the said company and the said municipality, and provided also that any extension hereby authorized, other than the extension on Yonge street aforesaid, shall not be constructed upon and along any street or highway without the consent of the municipality having jurisdiction over such street or highway.

Carrying powers.

6. The said company shall have the power to take, transport and carry passengers, freight, express and mail matter over their said railway and the extension or extensions thereof.

Use of electricity.

7. The said company may operate their railway as an electric railway, and may construct, maintain and operate works for the production of electricity for motive power for the said railway, and for lighting and heating the rolling stock of the company and the said company may along that part of their extensions outside of the limits of the township of York, including the limits of the town of North Toronto sell or lease the electricity so produced to any person or corporation, and for such purposes shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under *The Act respecting Companies for Steam and Heating, or for supplying electricity for light, heat or power*, but the said company shall not exercise any powers under the said last mentioned Act without the consent of the muni ipalities.

Rev. Stat. c. 165.

Provided that nothing in this section contained shall be deemed to confer on the said company the right to use electric power within the limits of the city of Toronto, without the consent of the said city. Proviso.

8. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold, for any estate in the same, and to sell, lease, alienate, or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section. Provided that the total acreage of lands to be acquired by the company for park purposes, shall not exceed 300 acres. Power to acquire lands.

9. The directors of the said company are hereby authorized to make and issue from time to time, bonds and debentures of the said company to the extent of $20,000 per mile for each and every mile of *single track* of the said railway, including any bonds or debentures already issued such bonds and debentures to be in sums of not less than $100 each, and on such terms and credit as they may think proper, which said bonds and debentures may be made the first preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments now existing, or at any time hereafter acquired; subject always to the rights of any then existing bondholders; and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided always that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy, at any meeting of the company specially called for that purpose, shall be first had and obtained. Issue of bonds to $20,000 per mile authorized.

10. All the provisions of the Act incorporating the said company inconsistent with this Act are hereby repealed and declared to be of no force and effect. Inconsistent enactments repealed.

11. Nothing herein contained shall in any way affect the rights of the corporation of the city of Toronto, as secured Rights of City of Toronto under certain agreements not affected.

under an agreement with the county of York, dated the 21st day of August, 1888, whereby part of Yonge street was granted to the said city of Toronto, and the rights (if any) of the Toronto Railway Company, or of the said city, under the agreement referred to in an Act passed in the 55th year of Her Majesty's reign, and chaptered 99, or under the said Act, or otherwise under the agreements between the Metropolitan Street Railway Company and the said city, dated 7th July, 1890, 12th May, 1891, and August, 1892.

Powers of municipalities as to granting aid

55 V. c. 42.

12. The powers given to the council of every county, township, city, town and incorporated village in section 634, or to a portion of a township municipality, in section 635, or to the council of a township in section 636 of *The Consolidated Municipal Act, 1892*, may be exercised in respect of the Metropolitan Railway Company by such municipal councils, by a portion of a township municipality, or by the council of any township, through or near to which municipalities or portions thereof, the line of the said company is now, or hereafter may be, constructed; and the powers given in said section 635 of *The Consolidated Municipal Act, 1892*, aforesaid, to a portion of a township municipality, may, in the case of the Metropolitan Railway Company, be exercised by a portion of a town municipality, through or near to which the line of the said railway passes or is situated.

55 V. c. 42.

No. 39.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Metropolitan Street Railway Company.

First Reading, 26th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. GILMOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.] BILL. [1893.

An Act respecting the Hamilton Street Railway Company.

Preamble.

WHEREAS the Hamilton Street Railway Company have by their petition set forth that they have converted their railway into an electric street railway and have prayed that their powers may be extended and their Act of Incorporation amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to change the number of directors.

1. The directors of the company may by by-law from time to time increase the number of directors beyond the number of seven, or may reduce the number to any number not less than five. The majority of the total number of directors as from time to time fixed by by-law shall constitute a quorum; provided that such by-law shall not have any force or effect till the same shall have been ratified by three-fourths in value of the stockholders of the company present or represented by proxy at a special general meeting to be called and held for that purpose.

36 v. c. 100, s. 14, repealed.

2. Section 14 of the Act passed in the 36th year of Her Majesty's reign, chaptered 100, intituled *An Act to incorporate The Hamilton Street Railway Company*, is hereby repealed; provided, that such repeal shall not prejudice or affect the securities heretofore given for any moneys raised or borrowed under the authority of the said section or any issue of capital heretofore made thereunder.

Power to increase the capital stock.

3. The directors of the company may from time to time by by-law increase the capital stock of the company to such amount or amounts as the company shall require; provided always that such by law shall not have any force or effect till the same shall have been ratified by three-fourths in value of the stockholders of the company present or represented by proxy at a special general meeting to be called and held for that purpose.

Power to issue bonds, debentures, etc.

4. The directors of the company under the authority of three-fourths in value of the shareholders present or represented by proxy at any special general meeting called for the purpose, may issue bonds, debentures or other securities signed

by the president or other presiding officer and countersigned by the secretary or other officer appointed by the directors for that purpose, which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case the 22nd day of December, 1913, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest payable yearly or half-yearly, not exceeding six per cent. per annum, as the directors think proper.

(1) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions, which at the time they may be able to obtain, for the purpose of raising money for the purposes of the company as hereinafter defined.

(2) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(3) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

(4) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances and charging the same upon the whole of the property, assets, rents and revenues of the company, present or future or both, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(5) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted or authorized by this Act in respect of the said bonds, debentures or other securities and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted or authorised by this Act, as the case may be, and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(6) Every such mortgage deed or a duplicate original thereof shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(7) The bonds, debentures or other securities hereby authorized to be issued, shall, after the deposit of the mortgage deed or a duplicate thereof in the office of the Provincial Secretary and

notice thereof published in the *Ontario Gazette*, as provided for in sub-section 6 of this clause, and without any registration or other formality, be taken and considered to be and shall be the first preferential claim and charge upon the company and upon the whole of the property, assets, rents and revenues thereof, present or future, and the undertaking and real and personal property thereof at any time acquired, save and except as the same may be restricted in said mortgage deed, and save and except as to the bonds of the company now outstanding, secured respectively by two mortgages, the one dated 1st day of May, 1874, and registered in the registry office for the county of Wentworth, on the 3rd of March, 1881, as No. 837; the other dated and registered in said registry office on 22nd of April, 1892, as No. 2,129; which said bonds and the said mortgages subsist and retain their respective rights and priorities till paid off as hereinafter provided for.

(8) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer under the said mortgage deed and upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

(9) If the company makes default in paying the principal of, or interest on, any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(10) The rights given by sub-section 9 of this section, shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(11) The exercise of the rights given by the two next preceding sub-sections shall not take away, limit or restrain any other of the rights or remedies to which the holders of the

said bonds, debentures or other securities are entitled under the provision of such mortgage deed.

(12) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as herein-before provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Issue not to exceed $25,000 per mile.

5. The issue of bonds, debentures or other securities by this Act authorized shall not exceed the sum of $25,000 for each mile of street railway track from time to time constructed or under contract for construction; provided that such bonds, debentures or other securities shall not in any way interfere with or prejudice the right of the city of Hamilton in case it choses to exercise its right to take over the undertaking in pursuance and on the terms set forth in the by-law of said city No. 624, dated 26th March, 1892, which said by-law and the agreement between the said city and company thereto referring and dated 26th March, 1892, set forth in schedule "A" to this Act, in which case the said bonds, debentures or other securities shall cease to be a charge on the undertaking, but they shall nevertheless be a charge on any moneys to be paid by the city of Hamilton therefor under said by-law.

Trustees of bonds or debentures.

6. It is hereby declared that all the bonds, debentures or other securities at any time issued by the said company shall forthwith after the issue thereof be handed over to trustees to be named in the mortgage deed, which, under the provisions of this Act the company is authorized and empowered to grant, for the purpose of securing such bonds, debentures or other securities, and such trustees shall hold the same or the proceeds thereof in trust in the first place to pay off and discharge all principal money and interest secured, due or accruing due upon the bonds secured by the two mortgages mentioned in section 4, sub-section 7 of this Act, according to the respective priorities thereof, and in the next place to apply the said bonds, debentures or other securities from time to time under the provisions of section 7 of this Act.

Application of proceeds of bonds.

7. Subject to the provisions of sections 4 and 6 of this Act, for the protection of the existing bondholders of the company, the net proceeds of all or any of the bonds, debentures or other securities issued in pursuance of the power by this Act conferred shall be from time to time be laid out and expended in the purchase or acquisition of rails, rolling stock, motors, buildings, machinery and lands required therefor, and other necessary plant, fixtures and materials from time to time required for the purposes of the company, and in the laying of rails and erection of plant and in the building of any exten-

sion of the railway authorized to be undertaken by the company, or in the payment of any liability of the company or debt contracted for any of the purposes aforesaid and remaining unpaid at the time of the passing of this Act.

Power to dispose of lands no longer required.

8 The company may from time to time sell and dispose of such land and personal property as shall be found not suitable or necessary for the purposes of the company, and the trustees named in the mortgage deed are hereby authorized from time to time to discharge the lands or personal property so sold or disposed of from the statutory lien of the mortgage bonds or other securities by this Act authorized to be issued.

Negotiable instruments.

9. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted or indorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the company or other officer designated by the directors for that purpose, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promisory note or bill of exchange; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

SCHEDULE "A."

By-law No. 624, Respecting the Hamilton Street Railway Company.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled *An Act to incorporate the Hamilton Street Railway Company*, by which the company are authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks and turnouts, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways within the jurisdiction of the corporation of the city of Hamilton as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the said city and the said company, and under and subject to any by-laws of the said city made in pursuance thereof, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power

as they may be authorized by the council of said city by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, and full power is given to the directors to make all by-laws for the management of the company, and also for the entering into arrangements and contracts with the city.

And whereas the said city and the said company are by the said Act respectively authorized to make and enter into any agreement or covenants relating to the construction of the said railway; for the paving, macadamizing, repairing and grading of the streets or highways; and the construction, opening and repairing of drains or sewers; and the laying of gas and water-pipes on the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running of the cars, the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of passengers, the conduct of the agents of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the said city are by the said Act authorized to pass any by law or by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto, and also for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas the city council, by by-laws passed respectively on the 22nd day of December, 1873, the 27th day of November, 1882, and the 13th day of February, 1888, conferred certain rights and privileges upon the Hamilton street railway company, subject to the conditions contained in such by-laws, and it was thereby provided that the privileges granted to the company should extend for a period of twenty years from the 22nd day of December, 1873, but that at the expiration of said period the corporation of the city of Hamilton might, after giving six months' notice, prior to the expiration of the said term, of their intention, assume the ownership of the said railway, and all real and personal property in connection with the working thereof, on payment of their value to be determined by arbitration.

And whereas it is by the said by-laws provided that the cars to be used on the said railway shall be drawn by horses or mules only, and the company are now desirous of construc-

ting an electric street railway in place of their present railway, and it has been agreed between the said street railway company and the city corporation that the said by-laws shall be repealed and the agreements relating thereto terminated and that a new by-law and agreement shall be substituted therefor.

The municipal council of the city of Hamilton hereby enacts as follows :—

1. The consent, permission and authority of the corporation of the city of Hamilton is hereby granted to the Hamilton street railway company to construct, maintain and complete an electric street railway, consisting of double tracks with necessary cross-overs, or single tracks with necessary turnouts or switches upon and along the streets of the city of Hamilton hereinafter mentioned, and to erect all necessary poles and wires and overhead construction along such streets for the completion of the railway on the trolley system, and to operate such railway by running cars thereon by means of electricity as a motive power during the term hereinafter specified upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The streets referred to in the last preceding paragraph, and to which the permission and authority thereby granted shall extend, are Stuart street, Bay street (north of Stuart street), James street, York street, King street, Herkimer street, Barton street, Burlington street, Sherman avenue, Locke street, Main street from Locke to Margaret street, Margaret street, Napier street, Queen street, Gore and Robert streets between James and Hughson streets, Vine and Mulberry streets between James and Macnab streets, and Guise street east of James street, and such other streets as may from time to time be fixed and determined by any by-law of the city council.

3. The rights conferred upon the said street railway company by this by-law, and the agreement to be executed in pursuance hereof, shall in no case be taken to prevent the said city council, or their grantees, from crossing the railways of the said company by other railways traversing other streets in which privileges may be granted consistently with the terms of this by-law, but such right to cross the same is hereby expressly reserved.

4. Such railway shall so be laid down that the outer rails on both sides shall as nearly as possible be at an equal distance from the centre of the street, except on King street, between Hughson and Mary streets, and each track shall be of the gauge of four feet eight and one-half inches, so as to accommodate the most common width of carriage wheels, and shall be made with such rail as shall be approved of by a majority

of the said council, expressed by resolution in writing, and laid in such manner as shall least obstruct the free and ordinary use of the streets, and the passage of vehicles and carriages over the same; and the upper surface of the rails shall be laid flush, as nearly as practicable, with the surface of the streets, and shall conform to the grades thereof as now established, or as they shall from time to time be re-established or altered; and in case of grading, paving or otherwise, if it be necessary to relay said rails, the same shall be done at the expense of the said railway company, and the whole of such work shall be done and completed to the satisfaction of a majority of the said council.

5. The space between the rails to be laid for the railway, upon any paved or macadamized street, and for two feet outside such rails, shall be by the said company, and under the direction of and as required by the board of works in and for the said city, constructed and kept in repair with such suitable material as the said board of works may from time to time direct (the materials therefor to be supplied by or at the expense of the said city corporation), and all dirt and filth caused by repairs to the said railway track shall be removed therefrom by the company as may be directed and required by the said board of works and the said company shall also construct and keep in good repair crossings of a similar character to those adopted by the said city council within the limits aforesaid, at the intersection of every such railway track and crossing thereof.

6. The space between the rails laid by the said company upon any street not paved or macadamized, shall be well macadamized to the depth of six inches with good hard stone, or other material suitable for that purpose; and a plank of oak or other hard wood, at least eight inches wide and properly sloped off, shall be placed outside of the rail and thoroughly fastened, so as to form as slight an impediment as possible to the passage of wagons, carriages, and other vehicles over the same; and such macadamizing and planking shall be continually kept up by the said company, the materials for such macadamizing being supplied by or at the expense of the said city corporation.

7. During the operation of laying the rails, a free passage for carriages and vehicles over the streets shall be kept open, and immediately after the rails shall have been laid, the paving and macadamizing and other material necessarily removed in laying the same, shall be replaced in a good substantial manner as before such removal, and the surface of the street shall be made flush with the rails; no portion of the surface of the streets shall be kept broken or disturbed for a greater time than one week, and all surplus street material shall be carefully removed by the said company and deposited in such

place or places as may be directed by the city officer having charge of the repairs of the streets.

8. The construction of the said electric street railway shall be commenced forthwith after the passing of this by-law, and the railway shall be completed and the electric cars running thereon througout the whole length of the company's present system, except on Main and Burlington streets, within six months from this date, and a connecting line from Herkimer street to the Grand Trunk Railway station on Stuart street, by way of Locke, Main, Margaret, King, Locke, Napier or York, Queen and Stuart streets, and a connecting line from King to Barton streets by way of Burlington street or Sherman avenue, shall be completed and the electric cars running thereon within two years from the passing of this by-law.

9. And it is hereby expressly declared that the corporation of the city of Hamilton shall not be held liable to the said street railway company for any damage the said company may incur or sustain from the breakage of any sewer or water-pipes, or for any delay that may be caused by the construction of sewers, the laying of water-pipes, or the necessary repairing of same, or from any other delay or damage that may be caused by freshets, fire or otherwise, or from repairs, changes or improvements in the streets.

10. All rights now, or that may hereafter be, vested in the said city corporation, or in any gas company, telephone, telegraph, electric light or other company, in respect to the care and improvement of the streets, the construction of sewers, culverts or drains, and the laying of water or gas-pipes therein, or the placing of poles or wires are in no way to be affected or impaired by any privilege that may be granted to the said company ; but the said railway must be laid down and maintained, subject to the rights of the said city corporation and the said companies to take up, alter, repair or remove sewers, water and gas-pipes, and to place poles and wires and subject to all other purposes within the province and privilege of the said corporation of the city of Hamilton, without claim for damages against the said corporation or any of the said companies, and the said city council expressly reserve to themselves the right hereafter to lay down, or permit to be laid down, in the said streets, gas or water-pipes, or sewers, and place or permit the placing of poles and wires, and to alter, improve and repair said streets whenever the public or private convenience may require.

11. Whenever it shall be deemed necessary to pave any street occupied by the railway track of the said company, that portion of such street embraced between the outer lines of the rails of such tracks, switches and turn-outs, shall in the first instance, be paved by and at the expense of the said city corporation ; but thereafter, during the continuance of this

grant, the same shall be kept in repair, to the satisfaction of the board of works, by the said railway company, the material for such repairs to be supplied at the expense of the city.

12. That the said railway company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants, in the management, construction or use of their railway ; and the said company shall indemnify and hold the said corporation of the city of Hamilton harmless from any damage that may be claimed by property holders, or by any person or persons on account of the laying of their tracks, or the use thereof, or the running of cars thereon, and shall indemnify the city against all damages, actions, costs and expenses they may pay, incur, or be put to by reason of any danger or injury from any electric system adopted by the company, and shall by the use of guard wires or other sufficient means protect all the city fire alarm wires, and all telegraph or telephone wires from contact with the electric wires which may be used by the company for the working of the railway.

13. No part of said railway shall be opened to the public, or put in operation, until the sanction of this council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city engineer or other officer especially appointed by the said council for that purpose, declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this by-law on that behalf.

14. The said company shall place and continue on said railway good cars, with all the modern improvements for the convenience and comfort of passengers including lighting and heating, and they sball run cars thereon as the public convenience may require, under such direction as the city council may from time to time prescribe, and no permanent business signs shall be carried on the outside of the cars for advertising purposes.

15 The privileges granted by this by-law shall extend until the 22nd day of December, 1913, but at the expiration thereof, the corporation of the city of Hamilton may, after giving six months' notice prior to the expiration of the said term of their intention, assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration ; and in case the said corporation should fail in exercising the right of assuming the ownership of the said railway at the date aforesaid, the privileges granted by this by-law shall continue, but the said corporation may, at the expiration of every five years to elapse after the said date, exercise the same

right of assuming the ownership of the said railway and of all real and personal estate thereto appertaining after one year's notice, to be given preceding the expiration of every fifth year as aforesaid, and on payment of their value, to be determined by arbitration; and any arbitration under this clause shall be subject to the provisions of the *Municipal Act* and of the *Acts respecting Arbitrations and References*, and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of the arbitration; and in any such arbitration the valuation of the company's property shall be made upon the basis of the actual value thereof, without regard to the way in which it is being used and employed or the net revenue received therefrom, and any contribution made by the city to the cost of the railway shall be taken into consideration.

16. In case the said railway company shall fail to keep the streets in which their railways shall be laid, in good repair according to the provisions of this by-law, and shall neglect to make such repairs for two days, after notice in writing from the city engineer, street commissioner, or other officer having supervision of repairs of streets, served upon the president, secretary, superintendent or other managing officer of the said railway, specifying the repairs, then, and in such case, the city corporation shall have the right to cause such repairs to be made, and to collect the cost thereof from the railway company.

17. Whenever it shall be necessary to remove any snow or ice from the track or tracks of the said road, the same shall be removed by the said company in such manner, and so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along each street, or in crossing the same at or upon cross streets, and if such snow or ice shall not be so removed and evenly spread by the company when required by notice in writing from the city engineer, street commissioner or other officer having charge of the streets, it may then be removed or evenly spread by the city corporation, who shall be entitled to collect from the railway company the cost of such work. The use of salt for the purpose of removing snow or ice from any of the said tracks is hereby prohibited.

18. It is expressly provided hereby that a majority of the directors of the said railway company shall at all times be residents of the said city of Hamilton or county of Wentworth.

19. The following specifications, regulating the running of the said street railway, shall be observed by the said company :—

(*a*) The cars to be used on the said railway shall be propelled by electricity as a motive power, and shall be run as the said

council shall provide, as often as public convenience shall require or the said council prescribe.

(*b*) The said council shall have the right to require that the cars shall commence running as early as six o'clock a.m of each day in the year (Sundays excepted), and continue running until eleven p.m.

(*c*) The said company may charge and collect from every person, on entering any of their cars or carriages, for riding any distance on their railway, in the same continuous route, a sum not exceeding five cents, except children under five years of age, accompanied by parents or other persons having them in charge, such children to ride free, provided they do not occupy seats; and the company shall grant transfers without additional charge for all continuous trips which are not returns, and shall issue workmen's tickets at eight for 25 cents, good during the following hours, namely: 6.30 to 8 a.m., 11.50 a.m. to 1.30 p.m., 5.15 to 6.30 p.m., and shall also carry children between five and 12 years of age for a cash fare of 3 cents, or give ten children's tickets for 25 cents, and also carry free of charge all police constables in uniform and all city detectives wearing badges.

(*d*) The said company may also charge a reasonable compensation for carrying packages.

(*e*) Cars running in the same direction or in opposite directions on the same track shall not approach each other within a distance of 100 feet, except in case of accident, or when it may be necessary to connect them together, and also except at stations and turnouts; and the rate of speed of all cars shall be subject to the direction of the city council from time to time.

(*f*) While the cars are turning the corners from one street to another, they shall be run at the rate of not more than four miles an hour.

(*g*) No car shall be allowed to stop on a cross-walk or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or other sufficient cause; nor shall any car be left or remain standing on any street at any time unless the same is waiting for passengers.

(*h*) There shall be not less than two men in charge of each car, and when any car is stopped at the intersection of streets to receive or leave passengers, it shall stand so as to leave the rear platform slightly over the crossing.

(*i*) It shall be the duty of the company to employ careful, sober and prudent conductors to take charge of their cars while on the road, and it shall be the duty of such conductors, so far as may be practicable, to keep a vigilant watch for all teams, carriages, and persons on foot, and especially children,

either upon the track or moving towards it; and on the first appearance of danger the car shall be stopped in the shortest time and space possible.

(*j*) The conductors shall not allow any passengers to enter or leave the car while in motion.

(*k*) The cars, after sunset, shall be provided with coloured signal lights, of a different colour for each route, and a bright headlight on every car, and each car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*l*) It shall and may be lawful to and for all and every person and persons whatsoever, to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the said company running thereon.

(*m*) The cars shall be entitled to the track and any horse or vehicle upon the track of said company shall turn out when any car comes up so as to leave the track unobstructed, and any one placing an obstruction on the track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested by the conductor of any car, shall be liable to a penalty not exceeding ten dollars and the costs of prosecution on conviction before the police magistrate, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any other penalty imposed by law; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time to remove, load, or unload the same without being liable to the penalty attached by this section, provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the city engineer or street commissioner for such removal.

(*n*) The persons employed in running the company's cars shall not be required by the company to work more than ten hours each out of every twenty-four hours, and any employee working longer than ten hours shall receive extra pay at the rate of 25 cents per hour.

(*o*) Any conductor or other employee who shall collect of any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the police court, pay a fine of not less than five dollars for each offence.

(*p*) The said company shall keep tickets for sale at some place in the business portions of the city, convenient for the people, and also upon their cars, and they shall sell tickets to persons desiring the same at a rate not exceeding twenty-five

cents for six tickets for fare to any point within the city limits.

20. The company shall also have painted in large plain letters on a conspicious place on the the outside of each car the number thereof, and the name of the route or street over which the car is to be run so that such name and number may be readily seen and read by day or night, and each person employed in running a car shall, when so employed, have his number conpicuously shown on the breast of his coat.

21. It is hereby reserved to the said city council to make such further rules, regulations, orders and by-laws in relation to the construction, repairs, and operation of the said railway as from time to time may be deemed necessary to protect the interests of the said city, or to provide for the safety, welfare or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of said company.

22. Should the company fail to complete said railway and to commence running electric cars thereon within the time limited by this by-law, or should the said company, within the time limited by this grant, neglect to run electric cars on said railway, or any part thereof, after the completion thereof, for the accommodation of the public, as provided by this by-law, or by any rules and regulations of the said council made in pursuance thereof, for the space of two successive months, or should the said company make default for the space of four months in payment of any of the moneys which may from time to time become payable by them under this by-law or the agreement to be made in pursuance thereof, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or by the use or possession of said streets; and in such case the city of Hamilton reserve the right to cause all obstructions and materials placed in said streets by said company, to be removed therefrom, and the said streets to be put in good condition and repair as they were before said materials and obstructions were placed therein, and the expense thereof shall be paid to the said city corporation by said railway company; and the said city council also in such case reserve the right to grant the same rights and privileges to any person or persons, company or companies, free from all charges or liabilities for damage on account thereof.

23. The company shall pay to the city corporation in quarterly payments during each year the sum of $400 per annum for every mile of single track, and at the same rate for every switch more than 100 yards long, and the sum of $800 per annum for every mile of double track within the city limits, such payment to commence from the date of the passing of this by-law, except as regards the connecting lines hereinbefore mentioned from Herkimer street to Stuart street and along Burlington street or Sherman avenue, the mileage pay-

ment for which at the rates hereinbefore mentioned shall commence from the expiration of five years from the date of this by-law, and provided also that as to the company's tracks on Barton street from Wentworth street to the eastern city limits a rebate shall be allowed to the company of $1,000 upon the mileage payable to the city under this clause.

24. The company shall also pay to the city corporation quarterly during each year the following percentages on their gross receipts, and shall permit the city to examine their books quarterly to ascertain the true amount of such gross receipts and also furnish a declaration from the president, or a director and the treasurer or secretary verifying the amount thereof; on all receipts under $125,000 6 per cent.; when the receipts reach $125,000, 6½ per cent. on the total gross receipts till they reach $150,000; when the receipts reach $150,000, 7 per cent. on the total gross receipts till they reach $175,000; when the receipts reach 175,000; 7½ per cent. on the total gross receipts till they reach $200,000; when the receipts reach $200,000, 8 per cent. on the total gross receipts: the company to pay not less than $10,000 for the first year, and not less than $12,000 in any subsequent year as their total mileage payment and percentage of receipts. The first quarterly payment under this and the last preceding clause to be made at the expiration of three months from the passing of this by-law, and the subsequent payments at the expiration of each succeeding period of three months.

25. The company shall have the exclusive right to construct and operate street railways upon or along any of the streets of the city from the passing of this by-law till the 22nd day of December, 1913, subject to the limitations and conditions contained in this by-law and subject to the rights granted to the Hamilton and Dundas street railway company, their successors or assigns, or to any rights which may be granted to that company their successors or assigns in respect of those portions of the streets now occupied by their railway which are not inconsistent with the terms of this by-law, and to any rights which may be granted to the Hamilton, Grimsby and Beamsville railway company, or any other company, as limited or defined in the next succeeding clause hereof, and provided further, that if the Hamilton street railway company shall neglect or refuse to commence the construction of any new line in the city within nine months after being requested by a two-third vote of the city council to build such line, or shall fail to complete any such new line within one year from such request the city may grant to any other company the right to build such line.

26. Nothing in this by-law contained shall prevent the city corporation from granting to the Hamilton, Grimsby and Beamsville railway company, or any other company, the right to construct along Main street to James street an electric railway from Grimsby and Beamsville, provided that no trains or

cars shall be run on any such railway until it has been completed to Winona, and that no trains or cars except through trains or cars to or from Winona shall be run thereon until the railway has been completed to Grimsby park, but that after such railway has been completed to Grimsby park and while, and so long only as, it is being operated as a through road with not less than twelve trains each way daily in summer and ten trains each way daily during every other season between Grimsby or Beamsville, whichever may then be the eastern terminus of the railway, and Hamilton, local trains may be run from the easterly limit of Bartonville to James street, but no passenger trains or cars of, on or from such railway shall be run upon any railway west of James street, nor shall any cars or trains be run from the Hamilton and Dundas street railway east of Ferguson avenue, except cars carrying express matter for the Dominion or other express company, or cars carrying excursions to or from the Hamilton and Dundas street railway, and except also that construction trains may be run from the Hamilton and Dundas street railway east of Ferguson avenue during the construction of the Hamilton, Grimsby and Beamsville railway. The Hamilton street railway company are to remove their track from Main street when notified by the city that the other company are ready to construct their line along Main street, and the Hamilton street railway company shall have the right in the meantime to maintain and use their track on Main street, and shall then have the right to run their cars over the Hamilton, Grimsby and Beamsville track on Main street until that company are ready to operate their road. And it is hereby further provided that nothing in this by-law contained shall prevent the city corporation from granting the use of any of the city streets for any railways which may be built from any point outside the city limits, provided such grant shall be made subject to conditions which shall prevent such railways from being used as competitors for local street traffic with the Hamilton street railway company.

27. No new line or extension or additional track shall be built by the Hamilton street railway company on any of the city streets except under authority first obtained by by-law of the city council.

28. The poles to be used for the company's wires on James street from Cannon street to Hunter street, and on King street from Bay street to Mary street, shall be of iron and of the most improved pattern, except where the company shall use the poles of any telegraph or telephone company, and the wooden poles used by the company shall all be straight and perpendicular, and as nearly as possible of the same shape and size, and shall be dressed and painted throughout, and all poles shall be placed on the sides of the street except on King street between Hughson and Mary streets, where they shall

be placed between the tracks, and all the poles of the company shall be placed in such manner as to obstruct as little as possible the use of the streets for other purposes.

29. Where necessary in cases of fire, the chief engineer or person in charge of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operations of the firemen, or to direct that they shall be so cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, and the city corporation shall not be liable for any loss or damage thus caused.

30. Where the company shall extend their lines over any streets not now occupied by them, in addition to the building of the connecting cross lines hereinbefore mentioned, the city council shall have power by by-law to exempt such new lines, in whole or in part, for a period of not more than five years from the mileage payment of $400 or $800 per annum, or to reduce the amount of such mileage payment.

31. All works of construction and repair and of removal and spreading of snow or ice shall be done, and all poles shall be placed under the supervision and to the satisfaction of the city engineer.

32. If the city shall, by a two thirds vote of the council, request the company to adopt any other method than the system first adopted by them of applying the electric power in running their cars, such other method shall be adopted by the company at their own expense within two years after the passage of any such resolution of the council, and the poles and wires and overhead construction used by them, so far as they may not be required for their new system, shall be removed by the company within that time, provided that the company shall not be obliged to make any change in the electric system first adopted by them before the expiration of five years from the passage of this by-law, or after the expiration of fifteen years from the passage of this by-law, and in the case of their being requested by the city council to make any such change, they shall, upon giving notice in writing of their intention to do so within two months after the passage of such resolution, have the right to appeal to a board of arbitrators, consisting of three persons, one of whom shall be named in the notice of appeal given by the company and one shall be named by the city within two months after receiving such notice, and the third shall be appointed by the two so named, or in case of their failure to appoint such third arbitrator within one month after the appointment of the city's arbitrator, he may, upon application by either party, after one week's notice to the other, be appointed by a judge of the high court, and if such arbitrators or the majority of them, declare by their award in writing, signed by them, that the request of the city council is unreasonable, the company shall not then be obliged to make the change except upon such terms as to contribution by the city to the cost thereof as the said arbitrators, or a

majority of them, may by such award decide to be fair and just; and the city shall have the option of withdrawing their requests or submitting a by-law for the assent of the electors, under the provisions of *The Municipal Act*, to authorize the necessary expenditure on their part for such change, and if such by-law be not assented to by the electors within three months after service on the city of a copy of the award, the request shall be deemed to be abandoned.

33. This by-law, and the powers and privileges hereby granted, shall not take effect or be binding on the said city, unless formerly accepted by the said railway company within ten days after the passing hereof, by an agreement which shall legally bind the said company to pay to the city corporation the sums mentioned in this by-law, and to perform, observe, and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the city solicitors, or one of them, and such agreement when so approved shall also be executed under the city seal by the mayor or the chairman of finance and the city clerk.

34. The by-laws relating to the Hamilton street railway company referred to in the preamble to this by-law and all other by-laws inconsistent herewith are hereby repealed, such repeal to take effect only upon and from the coming into force of this by-law and the agreement referred to in the last preceding paragraph hereof, but the Hamilton street railway company shall be at liberty to run their cars with horses subject to the conditions and regulations contained in this by-law as far as applicable, until the expiration of six months from the passing of this by-law.

Passed the 26th day of March, 1892.

T. BEASLEY,
City Clerk.
[Corporate Seal.]

JOHN KENRICK,
Chairman.

This agreement, made the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and ninety-two, by and between The Hamilton Street Railway Company (hereinafter called "the company") of the first part, and the corporation of the city of Hamilton (hereinafter called "the city corporation") of the second part.

Whereas by a by-law numbered 624, intituled by-law No. 624, respecting The Hamilton Street Railway Company, a copy whereof is hereto annexed, permission is granted by the city corporation to the company, upon certain conditions, provisos and agreements therein set forth, to construct and run its railway upon and along certain streets of the city of Hamilton.

And whereas by the Act incorporating the company, the city corporation and the company are respectively authorized to make and enter into agreements and covenants relating to the construction of the said railway and the other matters more particulary set forth in the said by-law.

Now, therefore, this agreement witnesseth, and the parties hereto do respectively covenant and agree to and with each other as follows:—

The company do hereby accept the said by-law and agree with the city corporation to pay the city corporation the sums mentioned in the said by-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions therein contained.

And whereas this agreement has been approved of by Francis MacKelcan, Esq., Q.C., one of the solicitors for the city corporation, testified by his marking each page thereof "approved," and adding his signature thereto, and the city corporation do hereby agree to accept and do accept these presents, and declare the same to be the agreement required to be executed by the company under the provisions of the said by-law, and that such by-law is therefore in full force and effect.

In witness whereof the company has caused its corporate seal to be hereto affixed under the hand of its president and secretary, and the city corporation has caused its corporate seal to be hereto affixed under the hand of the chairman of the finance committee of the city corporation duly authorized in that behalf and the city clerk.

B. E. CHARLTON,
President.

T. B. GRIFFITH,
Secy.-Treas.

Hamilton Street Railway Company. Seal.

ALEX. H. MOORE,
Chairman of Finance.

T. BEASLEY,
City Clerk.

City of Hamilton, Canada. Seal.

Signed, sealed and delivered in presence of

F. MACKELCAN,
ALEX. C. BEASLEY.

No. 40.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Hamilton Street Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. GIBSON (Hamilton.)

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.] [1893

BILL.

An Act respecting the Hamilton Street Railway Company.

Preamble. WHEREAS the Hamilton Street Railway Company have by their petition set forth that they have converted their railway into an electric street railway and have prayed that their powers may be extended and their Act of Incorporation amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to change the number of directors. **1.** The directors of the company may by by-law from time to time increase the number of directors beyond the number of seven, or may reduce the number to any number not less than five, *and a* majority of the total number of directors shall constitute a quorum; provided that such by-law shall not have any force or effect till the same shall have been ratified by three-fourths in value of the stockholders of the company present or represented by proxy at a special general meeting to be called and held for that purpose.

36 V. c. 100, s. 14, repealed. **2.** Section 14 of the Act passed in the 36th year of Her Majesty's reign, chaptered 100, intituled *An Act to incorporate The Hamilton Street Railway Company*, is hereby repealed; provided, that such repeal shall not prejudice or affect the securities heretofore given for any moneys raised or borrowed under the authority of the said section or any issue of capital heretofore made thereunder.

Power to increase the capital stock. **3.** The directors of the company may from time to time by by-law increase the capital stock of the company to such amount or amounts as the company shall require; provided always that such by law shall not have any force or effect till the same shall have been ratified by three-fourths in value of the stockholders of the company present or represented by proxy at a special general meeting to be called and held for that purpose.

Power to issue bonds, debentures, etc. **4.** The directors of the company under the authority of three-fourths in value of the shareholders present or represented by proxy at any special general meeting called for the purpose, may issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary or other officer appointed by the directors for that purpose, which counter-signature and the signature of the

coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case the 22nd day of December, 1913, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest payable yearly or half-yearly, not exceeding six per cent. per annum, as the directors think proper.

(1) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at *such* price and upon *such* terms and conditions *as they may think best*, for the purpose of raising money for the purposes of the company as hereinafter defined.

(2) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(3) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

(4) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances and charging the same upon the whole of the *undertaking*, property, assets, rents and revenues, *rights, powers and franchises* of the company, present *and* future, including the rights, powers and franchises under By-law No. 624 of the municipal council of the city of Hamilton, and the agreement made pursuant thereto, set out in Schedule "A" to this Act, and under By-law No. 337, of the township of Barton, dated 6th February, 1893, and the agreement of the same date made pursuant thereto, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(5) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted or authorized by this Act in respect of the said bonds, debentures or other securities and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted or authorised by this Act, as the case may be, and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(6) Every such mortgage deed or a duplicate original thereof shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(7) The bonds, debentures or other securities hereby authorized to be issued, shall, after the deposit of the mortgage deed or a duplicate thereof in the office of the Provincial Secretary and

notice thereof published in the *Ontario Gazette*, as provided for in sub-section 6 of this clause, and without any registration or other formality, be taken and considered to be and shall be the first preferential claim and charge upon the company and upon the whole of the *undertaking*, property, assets, rents and revenues, *rights, powers and franchises* thereof, present *and* future, and the undertaking and real and personal property, *rights, powers and franchises* thereof at any time acquired, save and except as the same may be restricted in said mortgage deed, and save and except as to the bonds of the company now outstanding, secured respectively by two mortgages, the one dated 1st day of May, 1874, and registered in the registry office for the county of Wentworth, on the 3rd of March, 1881, as No. 837; the other dated *on the 5th April, 1892*, and registered in said registry office on 22nd of April, 1892, as No. 2,129; which said bonds and the said mortgages subsist and retain their respective rights and priorities till paid off as hereinafter provided for.

(8) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer under the said mortgage deed *pro rata* with all the other holders, *but* no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

(9) If the company make default in paying the principal of, or interest on, any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(10) The rights given by sub-section 9 of this section, shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfer thereof, in the same manner as shares or transfers of shares.

(11) The exercise of the rights given by the two next preceding sub-sections shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(12) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Issue not to exceed $25,000 per mile.

5. The issue of bonds, debentures or other securities by this Act authorized shall not exceed the sum of $25,000 for each mile of street railway *single* track from time to time constructed *or under construction by the company* or under contract for construction; provided that such bonds, debentures or other securities shall not in any way interfere with or prejudice the right of the city of Hamilton in case it choses to exercise its right to assume the ownership of the railway and all real and personal property in connection with the working thereof in pursuance *of* and on the terms set forth in the *said* by-law No. 624, and the agreement thereto referring set forth in schedule "A" to this Act, in which case the said bonds, debentures or other securities shall cease to be a charge on the *said* railway and on all the real and personal property in connection with the working thereof, but they shall nevertheless be a charge on any moneys to be paid by the city of Hamilton therefor under said by-law.

Trustees of bonds or debentures.

6. It is hereby declared that all the bonds, debentures or other securities at any time issued by the said company shall forthwith after the issue thereof be handed over to trustees to be named in the mortgage deed, which, under the provisions of this Act the company is authorized and empowered to grant, for the purpose of securing such bonds, debentures or other securities, and such trustees shall hold the same or the proceeds thereof in trust in the first place to pay off and discharge all principal money and interest secured, due or accruing due upon the bonds secured by the two mortgages mentioned in section 4, sub-section 7 of this Act, according to the respective priorities thereof, and in the next place to apply the said bonds, debentures or other securities from time to time under the provisions of section 7 of this Act.

Application of proceeds of bonds.

7. Subject to the provisions of sections 4 and 6 of this Act, for the protection of the existing bondholders of the company, the net proceeds of all or any of the bonds, debentures or other securities issued in pursuance of the power by this Act conferred shall from time to time be laid out and expended in the purchase or acquisition of rails, rolling stock, motors, buildings, machinery and lands required therefor, and other necessary plant, fixtures and materials from time to time required for the purposes of the company, and in the laying of rails and erection of plant and in the building of any extension of the railway authorized to be undertaken by the company, or in the payment of any liability of the company or

debt contracted for any of the purposes aforesaid and remaining unpaid at the time of the passing of this Act.

Power to dispose of lands no longer required.

8 The company may from time to time sell and dispose of such lands and personal property as shall be found not suitable or necessary for the purposes of the company ; provided that no sale or disposition shall be made without the consent of the trustees named in the mortgage deed, pursuant to the terms thereof, and the trustees are hereby authorized from time to time to discharge the lands or personal property so sold or disposed of from the statutory lien of the mortgage bonds or other securities by this Act authorized to be issued.

Negotiable instruments.

9. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted or indorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the company or other officer designated by the directors for that purpose, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange ; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

SCHEDULE "A."

(*Section 5.*)

By-law No. 624, Respecting the Hamilton Street Railway Company.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled *An Act to incorporate the Hamilton Street Railway Company*, by which the company are authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks and turnouts, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways within the jurisdiction of the corporation of the city of Hamilton as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the said city and the said company, and under and subject to any by-laws of the said city made in pursuance thereof, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power

as they may be authorized by the council of said city by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, and full power is given to the directors to make all by-laws for the management of the company, and also for the entering into arrangements and contracts with the city.

And whereas the said city and the said company are by the said Act respectively authorized to make and enter into any agreement or covenants relating to the construction of the said railway; for the paving, macadamizing, repairing and grading of the streets or highways; and the construction, opening and repairing of drains or sewers; and the laying of gas and water-pipes on the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running of the cars, the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of passengers, the conduct of the agents of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the said city are by the said Act authorized to pass any by-law or by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto, and also for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas the city council, by by-laws passed respectively on the 22nd day of December, 1873, the 27th day of November, 1882, and the 13th day of February, 1888, conferred certain rights and privileges upon the Hamilton street railway company, subject to the conditions contained in such by-laws, and it was thereby provided that the privileges granted to the company should extend for a period of twenty years from the 22nd day of December, 1873, but that at the expiration of said period the corporation of the city of Hamilton might, after giving six months' notice, prior to the expiration of the said term, of their intention, assume the ownership of the said railway, and all real and personal property in connection with the working thereof, on payment of their value to be determined by arbitration.

And whereas it is by the said by-laws provided that the cars to be used on the said railway shall be drawn by horses or mules only, and the company are now desirous of construc-

ting an electric street railway in place of their present railway, and it has been agreed between the said street railway company and the city corporation that the said by-laws shall be repealed and the agreements relating thereto terminated and that a new by-law and agreement shall be substituted therefor.

The municipal council of the city of Hamilton hereby enacts as follows :—

1. The consent, permission and authority of the corporation of the city of Hamilton is hereby granted to the Hamilton street railway company to construct, maintain and complete an electric street railway, consisting of double tracks with necessary cross-overs, or single tracks with necessary turnouts or switches upon and along the streets of the city of Hamilton hereinafter mentioned, and to erect all necessary poles and wires and overhead construction along such streets for the completion of the railway on the trolley system, and to operate such railway by running cars thereon by means of electricity as a motive power during the term hereinafter specified upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The streets referred to in the last preceding paragraph, and to which the permission and authority thereby granted shall extend, are Stuart street, Bay street (north of Stuart street), James street, York street, King street, Herkimer street, Barton street, Burlington street, Sherman avenue, Locke street, Main street from Locke to Margaret street, Margaret street, Napier street, Queen street, Gore and Robert streets between James and Hughson streets, Vine and Mulberry streets between James and Macnab streets, and Guise street east of James street, and such other streets as may from time to time be fixed and determined by any by-law of the city council.

3. The rights conferred upon the said street railway company by this by-law, and the agreement to be executed in pursuance hereof, shall in no case be taken to prevent the said city council, or their grantees, from crossing the railways of the said company by other railways traversing other streets in which privileges may be granted consistently with the terms of this by-law, but such right to cross the same is hereby expressly reserved.

4. Such railway shall be so laid down that the outer rails on both sides shall as nearly as possible be at an equal distance from the centre of the street, except on King street, between Hughson and Mary streets, and each track shall be of the gauge of four feet eight and one-half inches, so as to accommodate the most common width of carriage wheels, and shall be made with such rail as shall be approved of by a majority

of the said council, expressed by resolution in writing, and laid in such manner as shall least obstruct the free and ordinary use of the streets, and the passage of vehicles and carriages over the same; and the upper surface of the rails shall be laid flush, as nearly as practicable, with the surface of the streets, and shall conform to the grades thereof as now established, or as they shall from time to time be re-established or altered; and in case of grading, paving or otherwise, if it be necessary to relay said rails, the same shall be done at the expense of the said railway company, and the whole of such work shall be done and completed to the satisfaction of a majority of the said council.

5. The space between the rails to be laid for the railway, upon any paved or macadamized street, and for two feet outside *of* such rails, shall be by the said company, and under the direction of and as required by the board of works in and for the said city, constructed and kept in repair with such suitable material as the said board of works may from time to time direct (the materials therefor to be supplied by or at the expense of the said city corporation), and all dirt and filth caused by repairs to the said railway track shall be removed therefrom by the company as may be directed and required by the said board of works, and the said company shall also construct and keep in good repair crossings of a similar character to those adopted by the said city council within the limits aforesaid, at the intersection of every such railway track and crossing thereof.

6. The space between the rails laid by the said company upon any street not paved or macadamized, shall be well macadamized to the depth of six inches with good hard stone, or other material suitable for that purpose; and a plank of oak or other hard wood, at least eight inches wide and properly sloped off, shall be placed outside of the rail and thoroughly fastened, so as to form as slight an impediment as possible to the passage of wagons, carriages, and other vehicles over the same; and such macadamizing and planking shall be continually kept up by the said company, the materials for such macadamizing being supplied by or at the expense of the said city corporation.

7. During the operation of laying the rails, a free passage for carriages and vehicles over the streets shall be kept open, and immediately after the rails shall have been laid, the paving and macadamizing and other material necessarily removed in laying the same, shall be replaced in a good substantial manner as before such removal, and the surface of the street shall be made flush with the rails; no portion of the surface of the streets shall be kept broken or disturbed for a greater time than one week, and all surplus street material shall be carefully removed by the said company and deposited in such

place or places as may be directed by the city officer having charge of the repairs of the streets.

8. The construction of the said electric street railway shall be commenced forthwith after the passing of this by-law, and the railway shall be completed and the electric cars running thereon througout the whole length of the company's present system, except on Main and Burlington streets, within six months from this date, and a connecting line from Herkimer street to the Grand Trunk Railway station on Stuart street, by way of Locke, Main, Margaret, King, Locke, Napier or York, Queen and Stuart streets, and a connecting line from King to Barton streets by way of Burlington street or Sherman avenue, shall be completed and the electric cars running thereon within two years from the passing of this by-law.

9. And it is hereby expressly declared that the corporation of the city of Hamilton shall not be held liable to the said street railway company for any damage the said company may incur or sustain from the breakage of any sewer or water-pipes, or for any delay that may be caused by the construction of sewers, the laying of water-pipes, or the necessary repairing of same, or from any other delay or damage that may be caused by freshets, fire or otherwise, or from repairs, changes or improvements in the streets.

10. All rights now, or that may hereafter be, vested in the said city corporation, or in any gas company, telephone, telegraph, electric light or other company, in respect to the care and improvement of the streets, the construction of sewers, culverts or drains, and the laying of water or gas-pipes therein, or the placing of poles or wires are in no way to be affected or impaired by any privilege that may be granted to the said company ; but the said railway must be laid down and maintained, subject to the rights of the said city corporation and the said companies to take up, alter, repair or remove sewers, water and gas-pipes, and to place poles and wires and subject to all other purposes within the province and privilege of the said corporation of the city of Hamilton, without claim for damages against the said corporation or any of the said companies, and the said city council expressly reserve to themselves the right hereafter to lay down, or permit to be laid down, in the said streets, gas or water-pipes, or sewers, and place or permit the placing of poles and wires, and to alter, improve and repair said streets whenever the public or private convenience may require.

11. Whenever it shall be deemed necessary to pave any street occupied by the railway track of the said company, that portion of such street embraced between the outer lines of the rails of such tracks, switches and turn-outs, shall in the first instance, be paved by and at the expense of the said city corporation; but thereafter, during the continuance of this

grant, the same shall be kept in repair, to the satisfaction of the board of works, by the said railway company, the material for such repairs to be supplied at the expense of the city.

12. The said railway company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants, in the management, construction or use of their railway; and the said company shall indemnify and hold the said corporation of the city of Hamilton harmless from any damage that may be claimed by property holders, or by any person or persons on account of the laying of their tracks, or the use thereof, or the running of cars thereon, and shall indemnify the city against all damages, actions, costs and expenses they may pay, incur, or be put to by reason of any danger or injury from any electric system adopted by the company, and shall by the use of guard wires or other sufficient means protect all the city fire alarm wires, and all telegraph or telephone wires from contact with the electric wires which may be used by the company for the working of the railway.

13. No part of said railway shall be opened to the public, or put in operation, until the sanction of this council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city engineer or other officer especially appointed by the said council for that purpose, declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this by-law on that behalf.

14. The said company shall place and continue on said railway good cars, with all the modern improvements for the convenience and comfort of passengers including lighting and heating, and they shall run cars thereon as the public convenience may require, under such directions as the city council may from time to time prescribe, and no permanent business signs shall be carried on the outside of the cars for advertising purposes.

15 The privileges granted by this by-law shall extend until the 22nd day of December, 1913, but at the expiration thereof, the corporation of the city of Hamilton may, after giving six months' notice prior to the expiration of the said term of their intention, assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration; and in case the said corporation should fail in exercising the right of assuming the ownership of the said railway at the date aforesaid, the privileges granted by this by-law shall continue, but the said corporation may, at the expiration of every five years to elapse after the said date, exercise the same

right of assuming the ownership of the said railway and of all real and personal estate thereto appertaining after one year's notice, to be given preceding the expiration of every fifth year as aforesaid, and on payment of their value, to be determined by arbitration; and any arbitration under this clause shall be subject to the provisions of the *Municipal Act* and of the *Acts respecting Arbitrations and References*, and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of the arbitration; and in any such arbitration the valuation of the company's property shall be made upon the basis of the actual value thereof, without regard to the way in which it is being used and employed or the net revenue received therefrom, and any contribution made by the city to the cost of the railway shall be taken into consideration.

16. In case the said railway company shall fail to keep the streets in which their railways shall be laid, in good repair according to the provisions of this by-law, and shall neglect to make such repairs for two days, after notice in writing from the city engineer, street commissioner, or other officer having supervision of repairs of streets, served upon the president, secretary, superintendent or other managing officer of the said railway, specifying the repairs, then, and in such case, the city corporation shall have the right to cause such repairs to be made, and to collect the cost thereof from the railway company.

17. Whenever it shall be necessary to remove any snow or ice from the track or tracks of the said road, the same shall be removed by the said company in such manner, and so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along each street, or in crossing the same at or upon cross streets, and if such snow or ice shall not be so removed and evenly spread by the company when required by notice in writing from the city engineer, street commissioner or other officer having charge of the streets, it may then be removed or evenly spread by the city corporation, who shall be entitled to collect from the railway company the cost of such work. The use of salt for the purpose of removing snow or ice from any of the said tracks is hereby prohibited.

18. It is expressly provided hereby that a majority of the directors of the said railway company shall at all times be residents of the said city of Hamilton or county of Wentworth.

19. The following specifications, regulating the running of the said street railway, shall be observed by the said company :—

(*a*) The cars to be used on the said railway shall be propelled by electricity as a motive power, and shall be run as the said

council shall provide, as often as public convenience shall require or the said council prescribe.

(*b*) The said council shall have the right to require that the cars shall commence running as early as six o'clock a.m of each day in the year (Sundays excepted), and continue running until eleven p.m.

(*c*) The said company may charge and collect from every person, on entering any of their cars or carriages, for riding any distance on their railway, in the same continuous route, a sum not exceeding five cents, except children under five years of age, accompanied by parents or other persons having them in charge, such children to ride free, provided they do not occupy seats; and the company shall grant transfers without additional charge for all continuous trips which are not returns, and shall issue workmen's tickets at eight for 25 cents, good during the following hours, namely: 6.30 to 8 a.m., 11.50 a.m. to 1.30 p.m., 5.15 to 6.30 p.m, and shall also carry children between five and 12 years of age for a cash fare of 3 cents, or give ten children's tickets for 25 cents, and also carry free of charge all police constables in uniform and all city detectives wearing badges.

(*d*) The said company may also charge a reasonable compensation for carrying packages.

(*e*) Cars running in the same direction or in opposite directions on the same track shall not approach each other within a distance of 100 feet, except in case of accident, or when it may be necessary to connect them together, and also except at stations and turnouts; and the rate of speed of all cars shall be subject to the direction of the city council from time to time.

(*f*) While the cars are turning the corners from one street to another, they shall be run at the rate of not more than four miles an hour.

(*g*) No car shall be allowed to stop on a cross-walk or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or other sufficient cause; nor shall any car be left or remain standing on any street at any time unless the same is waiting for passengers.

(*h*) There shall be not less than two men in charge of each car, and when any car is stopped at the intersection of streets to receive or leave passengers, it shall stand so as to leave the rear platform slightly over the crossing.

(*i*) It shall be the duty of the company to employ careful, sober and prudent conductors to take charge of their cars while on the road, and it shall be the duty of such conductors, so far as may be practicable, to keep a vigilant watch for all teams, carriages, and persons on foot, and especially children,

either upon the track or moving towards it; and on the first appearance of danger the car shall be stopped in the shortest time and space possible.

(*j*) The conductors shall not allow any passengers to enter or leave the car while in motion.

(*k*) The cars, after sunset, shall be provided with coloured signal lights, of a different colour for each route, and a bright headlight on every car, and each car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*l*) It shall and may be lawful to and for all and every person and persons whatsoever, to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the said company running thereon.

(*m*) The cars shall be entitled to the track and any horse or vehicle upon the track of said company shall turn out when any car comes up so as to leave the track unobstructed, and any one placing an obstruction on the track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested by the conductor of any car, shall be liable to a penalty not exceeding ten dollars and the costs of prosecution on conviction before the police magistrate, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any other penalty imposed by law; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time to remove, load, or unload the same without being liable to the penalty attached by this section, provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the city engineer or street commissioner for such removal.

(*n*) The persons employed in running the company's cars shall not be required by the company to work more than ten hours each out of every twenty-four hours, and any employee working longer than ten hours shall receive extra pay at the rate of 25 cents per hour.

(*o*) Any conductor or other employee who shall collect of any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the police court, pay a fine of not less than five dollars for each offence.

(*p*) The said company shall keep tickets for sale at some place in the business portions of the city, convenient for the people, and also upon their cars, and they shall sell tickets to persons desiring the same at a rate not exceeding twenty-five

cents for six tickets for fare to any point within the city limits.

20. The company shall also have painted in large plain letters on a conspicious place on the the outside of each car the number thereof, and the name of the route or street over which the car is to be run so that such name and number may be readily seen and read by day or night, and each person employed in running a car shall, when so employed, have his number conpicuously shown on the breast of his coat.

21. It is hereby reserved to the said city council to make such further rules, regulations, orders and by-laws in relation to the construction, repairs, and operation of the said railway as from time to time may be deemed necessary to protect the interests of the said city, or to provide for the safety, welfare or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of said company.

22. Should the company fail to complete said railway and to commence running electric cars thereon within the time limited by this by-law, or should the said company, within the time limited by this grant, neglect to run electric cars on said railway, or any part thereof, after the completion thereof, for the accommodation of the public, as provided by this by-law, or by any rules and regulations of the said council made in pursuance thereof, for the space of two successive months, or should the said company make default for the space of four months in payment of any of the moneys which may from time to time become payable by them under this by-law or the agreement to be made in pursuance thereof, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or by the use or possession of said streets; and in such case the city of Hamilton reserve the right to cause all obstructions and materials placed in said streets by said company, to be removed therefrom, and the said streets to be put in good condition and repair as they were before said materials and obstructions were placed therein, and the expense thereof shall be paid to the said city corporation by said railway company; and the said city council also in such case reserve the right to grant the same rights and privileges to any person or persons, company or companies, free from all charges or liabilities for damage on account thereof.

23. The company shall pay to the city corporation in quarterly payments during each year the sum of $400 per annum for every mile of single track, and at the same rate for every switch more than 100 yards long, and the sum of $800 per annum for every mile of double track within the city limits, such payment to commence from the date of the passing of this by-law, except as regards the connecting lines hereinbefore mentioned from Herkimer street to Stuart street and along Burlington street or Sherman avenue, the mileage pay-

ment for which at the rates hereinbefore mentioned shall commence from the expiration of five years from the date of this by-law, and provided also that as to the company's tracks on Barton street from Wentworth street to the eastern city limits a rebate shall be allowed to the company of $1,000 upon the mileage payable to the city under this clause.

24. The company shall also pay to the city corporation quarterly during each year the following percentages on their gross receipts, and shall permit the city to examine their books quarterly to ascertain the true amount of such gross receipts and also furnish a declaration from the president, or a director and the treasurer or secretary verifying the amount thereof; on all receipts under $125,000 6 per cent.; when the receipts reach $125,000, 6½ per cent. on the total gross receipts till they reach $150,000; when the receipts reach $150,000, 7 per cent. on the total gross receipts till they reach $175,000; when the receipts reach 175,000; 7½ per cent. on the total gross receipts till they reach $200,000; when the receipts reach $200,000, 8 per cent. on the total gross receipts: the company to pay not less than $10,000 for the first year, and not less than $12,000 in any subsequent year as their total mileage payment and percentage of receipts. The first quarterly payment under this and the last preceding clause to be made at the expiration of three months from the passing of this by-law, and the subsequent payments at the expiration of each succeeding period of three months.

25. The company shall have the exclusive right to construct and operate street railways upon or along any of the streets of the city from the passing of this by-law till the 22nd day of December, 1913, subject to the limitations and conditions contained in this by-law and subject to the rights granted to the Hamilton and Dundas street railway company, their successors or assigns, or to any rights which may be granted to that company their successors or assigns in respect of those portions of the streets now occupied by their railway which are not inconsistent with the terms of this by-law, and to any rights which may be granted to the Hamilton, Grimsby and Beamsville railway company, or any other company, as limited or defined in the next succeeding clause hereof, and provided further, that if the Hamilton street railway company shall neglect or refuse to commence the construction of any new line in the city within nine months after being requested by a two-third vote of the city council to build such line, or shall fail to complete any such new line within one year from such request the city may grant to any other company the right to build such line.

26. Nothing in this by-law contained shall prevent the city corporation from granting to the Hamilton, Grimsby and Beamsville railway company, or any other company, the right to construct along Main street to James street an electric railway from Grimsby and Beamsville, provided that no trains or

cars shall be run on any such railway until it has been completed to Winona, and that no trains or cars except through trains or cars to or from Winona shall be run thereon until the railway has been completed to Grimsby park, but that after such railway has been completed to Grimsby park and while, and so long only as, it is being operated as a through road with not less than twelve trains each way daily in summer and ten trains each way daily during every other season between Grimsby or Beamsville, whichever may then be the eastern terminus of the railway, and Hamilton, local trains may be run from the easterly limit of Bartonville to James street, but no passenger trains or cars of, on or from such railway shall be run upon any railway west of James street, nor shall any cars or trains be run from the Hamilton and Dundas street railway east of Ferguson avenue, except cars carrying express matter for the Dominion or other express company, or cars carrying excursions to or from the Hamilton and Dundas street railway, and except also that construction trains may be run from the Hamilton and Dundas street railway east of Ferguson avenue during the construction of the Hamilton, Grimsby and Beamsville railway. The Hamilton street railway company are to remove their track from Main street when notified by the city that the other company are ready to construct their line along Main street, and the Hamilton street railway company shall have the right in the meantime to maintain and use their track on Main street, and shall then have the right to run their cars over the Hamilton, Grimsby and Beamsville track on Main street until that company are ready to operate their road. And it is hereby further provided that nothing in this by-law contained shall prevent the city corporation from granting the use of any of the city streets for any railways which may be built from any point outside the city limits, provided such grant shall be made subject to conditions which shall prevent such railways from being used as competitors for local street traffic with the Hamilton street railway company.

27. No new line or extension or additional track shall be built by the Hamilton street railway company on any of the city streets except under authority first obtained by by-law of the city council.

28. The poles to be used for the company's wires on James street from Cannon street to Hunter street, and on King street from Bay street to Mary street, shall be of iron and of the most improved pattern, except where the company shall use the poles of any telegraph or telephone company, and the wooden poles used by the company shall all be straight and perpendicular, and as nearly as possible of the same shape and size, and shall be dressed and painted throughout, and all poles shall be placed on the sides of the street except on King street between Hughson and Mary streets, where they shall

be placed between the tracks, and all the poles of the company shall be placed in such manner as to obstruct as little as possible the use of the streets for other purposes.

29. Where necessary in cases of fire, the chief engineer or person in charge of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operations of the firemen, or to direct that they shall be so cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, and the city corporation shall not be liable for any loss or damage thus caused.

30. Where the company shall extend their lines over any streets not now occupied by them, in addition to the building of the connecting cross lines hereinbefore mentioned, the city council shall have power by by-law to exempt such new lines, in whole or in part, for a period of not more than five years from the mileage payment of $400 or $800 per annum, or to reduce the amount of such mileage payment.

31. All works of construction and repair and of removal and spreading of snow or ice shall be done, and all poles shall be placed under the supervision and to the satisfaction of the city engineer.

32. If the city shall, by a two thirds vote of the council, request the company to adopt any other method than the system first adopted by them of applying the electric power in running their cars, such other method shall be adopted by the company at their own expense within two years after the passage of any such resolution of the council, and the poles and wires and overhead construction used by them, so far as they may not be required for their new system, shall be removed by the company within that time, provided that the company shall not be obliged to make any change in the electric system first adopted by them before the expiration of five years from the passage of this by-law, or after the expiration of fifteen years from the passage of this by-law, and in the case of their being requested by the city council to make any such change, they shall, upon giving notice in writing of their intention to do so within two months after the passage of such resolution, have the right to appeal to a board of arbitrators, consisting of three persons, one of whom shall be named in the notice of appeal given by the company and one shall be named by the city within two months after receiving such notice, and the third shall be appointed by the two so named, or in case of their failure to appoint such third arbitrator within one month after the appointment of the city's arbitrator, he may, upon application by either party, after one week's notice to the other, be appointed by a judge of the high court, and if such arbitrators or the majority of them, declare by their award in writing, signed by them, that the request of the city council is unreasonable, the company shall not then be obliged to make the change except upon such terms as to contribution by the city to the cost thereof as the said arbitrators, or a

majority of them, may by such award decide to be fair and just; and the city shall have the option of withdrawing their requests or submitting a by-law for the assent of the electors, under the provisions of *The Municipal Act*, to authorize the necessary expenditure on their part for such change, and if such by-law be not assented to by the electors within three months after service on the city of a copy of the award, the request shall be deemed to be abandoned.

33. This by-law, and the powers and privileges hereby granted, shall not take effect or be binding on the said city, unless formerly accepted by the said railway company within ten days after the passing hereof, by an agreement which shall legally bind the said company to pay to the city corporation the sums mentioned in this by-law, and to perform, observe, and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the city solicitors, or one of them, and such agreement when so approved shall also be executed under the city seal by the mayor or the chairman of finance and the city clerk.

34. The by-laws relating to the Hamilton street railway company referred to in the preamble to this by-law and all other by-laws inconsistent herewith are hereby repealed, such repeal to take effect only upon and from the coming into force of this by-law and the agreement referred to in the last preceding paragraph hereof, but the Hamilton street railway company shall be at liberty to run their cars with horses subject to the conditions and regulations contained in this by-law as far as applicable, until the expiration of six months from the passing of this by-law.

Passed the 26th day of March, 1892.

T. BEASLEY,
City Clerk.
[Corporate Seal.]

JOHN KENRICK,
Chairman.

This agreement, made the, twenty-sixth day of March, in the year of our Lord one thousand eight hundred and ninety-two, by and between The Hamilton Street Railway Company (hereinafter called "the company") of the first part, and the corporation of the city of Hamilton (hereinafter called "the city corporation") of the second part.

Whereas by a by-law numbered 624, intituled by-law No. 624, respecting The Hamilton Street Railway Company, a copy whereof is hereto annexed, permission is granted by the city corporation to the company, upon certain conditions, provisos and agreements therein set forth, to construct and run its railway upon and along certain streets of the city of Hamilton,

And whereas by the Act incorporating the company, the city corporation and the company are respectively authorized to make and enter into agreements and covenants relating to the construction of the said railway and the other matters more particulary set forth in the said by-law.

Now, therefore, this agreement witnesseth, and the parties hereto do respectively covenant and agree to and with each other as follows:—

The company do hereby accept the said by-law and agree with the city corporation to pay the city corporation the sums mentioned in the said by-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions therein contained.

And whereas this agreement has been approved of by Francis MacKelcan, Esq., Q.C., one of the solicitors for the city corporation, testified by his marking each page thereof "approved," and adding his signature thereto, and the city corporation do hereby agree to accept and do accept these presents, and declare the same to be the agreement required to be executed by the company under the provisions of the said by-law, and that such by-law is therefore in full force and effect.

In witness whereof the company has caused its corporate seal to be hereto affixed under the hand of its president and secretary, and the city corporation has caused its corporate seal to be hereto affixed under the hand of the chairman of the finance committee of the city corporation duly authorized in that behalf and the city clerk.

B. E. CHARLTON,
President.

T. B. GRIFFITH,
Secy.-Treas.

Hamilton Street Railway Company. Seal.

ALEX. H. MOORE,
Chairman of Finance.

T. BEASLEY,
City Clerk.

City of Hamilton, Canada. Seal.

Signed, sealed and delivered in presence of

F. MACKELCAN,
ALEX. C. BEASLEY.

[*Approved, F. MACKELCAN.*]

No. 40.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Hamilton Street Railway Company.

First Reading, 11th April, 1893.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. GIBSON (Hamilton.)

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 41.] BILL. [1893.

An Act to incorporate the Lake Superior, Algom and Colonization Railway Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway from a point at or near the mouth of the Batchewaung river on the Batchewaung bay, in the district of Algoma, thence running in a south-easterly and easterly direction and passing through the townships of Coffin and Galbraith to a point on the main line of the Canadian Pacific Railway in the townships of Balfour, Dowling or Rayside, including a branch from said line starting at a point in the townships of Coffin or Galbraith, and running in a south-easterly direction to a point on the shore of the north channel at or near the town of Thessalon in said district, with such other spurs or branches as may be desirable or necessary; and whereas the building of this railway would open up for colonization and immigration purposes large tracts of magnificent land extremely suitable for general agriculture, stock-raising, dairying and fruit-growing purposes; and whereas a large immigration is expected into the district of Algoma from Great Britain and Ireland, Norway, Sweden and Denmark, the United States of America and older Canada; and whereas it is extremely desirable that the said district should be opened up for colonization purposes; and whereas this railway will run through and open up the valuable mineral country lying in the vicinity of the Goulais and Batchewaung rivers, and also the mineral country lying to the north of the town of Sault Ste. Marie, and the mineral country in the Garden river Indian reserve and the country supposed to be rich in iron in the neighborhood of Echo lake, and the mineral fields in the townships of Galbraith and Coffin, and the surrounding townships which are proved to be rich in gold-bearing quartz, and will run through and open up the nickel range lying between the townships lastly named and the main line of the Canadian Pacific Railway; and whereas the tract of country thus to be opened up contains millions of acres of magnificent arable, agricultural and stock-raising lands lying side by side with an equal amount of the richest mineral lands; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Herman Ezra Long, Robert Forbes, William Herbert Incorporation.

Trescott, Frederick Holman Merritt, Franklin William Merritt, Frederick Rogers and Alexander Gordon Duncan, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Lake Superior and Algoma Colonization Railway Company," hereinafter called the "Company."

Head Office.

2. The head office of the company shall be at the town of Sault Ste. Marie, in the district of Algoma, in the Province of Ontario.

Location of line.

3. The company shall have full power and authority to lay out, construct, equip and operate a line of railway of a gauge of four feet, eight and one-half inches in width from a point at or near the mouth of the Batchewaung river, on Batchewaung bay, in the district of Algoma, thence running in a south-easterly and easterly direction and passing through the townships of Coffin and Galbraith to a point on the main line of the Canadian Pacific Railway, in the townships of Balfour, Dowling, or Rayside, including the power to construct, equip and operate a branch from said line, starting at a point in the townships of Coffin or Galbraith and running in a south-easterly direction to a point on the shore of the north channel at or near the town of Thessalon, in the said district, and such other spurs or branches as may be desirable or necessary, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the points aforesaid.

Power to construct line in sections.

4. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof and of its course and direction, and with the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by *The Railway Act of Ontario* and the amendments thereto, with the respective plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may, from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its

Rev. Stat. c. 17.

whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and amendments thereof with respect to plans and surveys.

Power to acquire wharves, piers, etc.

5. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters to purchase and hold as its own absolute property and for the use of the company, wharves, piers, docks, water-lots, water frontages and lands, and upon the said water-lots, water frontages and lands and in and over the waters adjoining the same to build and erect elevators, storehouses, warehouses, engine houses, sheds, wharves, docks, piers and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels, and to collect wharfage, and storage and other charges for use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water-lots, water frontages, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any thereof or any portion thereof in its discretion to sell, lease or convey, and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any line or lines of railway for such purposes.

Power to operate vessel service.

6. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of work, control and keep in repair steam or other vessels from time to time to ply on the lakes, rivers and canals of this province in connection with the said railway, and also to make arrangements and agreements with steamboat and vessel proprietors by chartering or otherwise to ply on the said lakes, rivers or canals in connection with the said railway.

Acquiring land for elevators, etc.

7. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses and other erections for the uses of the company and the same or portions thereof in their discretion to sell or convey and also to make use of for the purposes of said railway of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse.

Aid to company.

8. The company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Municipal bonuses.

9. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to acquire stone, gravel, etc.

10. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owuer of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section, as to the obtaining materials as aforesaid and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits.

11.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such

Rev. Stat. c. 170.

materials are situated ; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing or maintaining the said railway or any branch or spur thereof.

(2) When estimating the damages for the taking of gravel, sand, stone, earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

Power to purchase whole lots.

12. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev.Stat c. 170.

Provisional directors.

13. The persons named in section one of this Act, with power to add to their number shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

14. The said board of provisional directors shall have power forthwith to open stock-books and to procure subscriptions of stock for the undertaking and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allot and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such Rev. Stat. c. 170.

allotment the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste. Marie, or at such other place as may best suit the interests of the company.

Capital stock.

Rev. Stat. c. 170.

15. The capital stock of the company hereby incorporated shall be $5,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 50,000 shares of $100 each, and shall be raised by the persons or corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to this Act and for making the survey, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First general meeting for election of directors.

16. When and so soon as shares to the amount of $100,000 in the capital stock of the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the shareholders to be held at the head office of the company at the town of Sault Ste. Marie for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisment in *The Ontario Gazette* and in one or more newspapers published in the District of Algoma, and by circular letter sent by mail to each shareholder of the time and place and purpose of said meeting.

Election of directors.

17. At such general meeting the shareholders present who shall have paid up ten per cent. on their shares, with such proxies as may be present, shall elect not less than five and not more than nine persons as hereinafter mentioned to be directors of the said company, of whom a majority shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat. c. 170.

Qualification of directors.

18. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

19. Thereafter the general annual meeting of the shareholders of the company shall be held at the said town of Sault Ste. Marie, on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the district of Algoma during the four weeks preceding the week in which such meeting is to be held, and by circular letter sent by mail to each shareholder. Subsequent annual meetings.

20. Special general meetings of the shareholders of the company may be held at said town of Sault Ste. Marie at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section. Special general meetings.

21. The directors may, from time to time, make calls as they think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section nineteen of this Act. Calls.

22. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company. Rights of aliens.

23. The directors of the company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time, for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the company and countersigned by the secretary and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking. And such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired. And each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid. Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of $25,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing them at the next ensuing general annual meeting of the company, all holders of bonds shall have and possess the same rights, privileges and qualifications as directors and for voting as are attached to shareholders. Issue of bonds.

Provided further that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds, etc., now transferable.

24. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Pledging bonds, etc.

25. The company hereby incorporated may, from time to time, for advances of money to be made thereon mortgage, pledge or hypothecate any bonds, debentures or mortgage securities, which, under the powers of this Act can be issued for the construction of the railway or otherwise.

Transfer of shares.

26. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Negotiable instruments.

27. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the company and under the authority of a quorum of the directors shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary is shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall he construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Agreements for amalgamation with other companies.

28. The company may enter into agreements with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of Canada, or any other railway company now or hereafter to be incorporated, for conveying or leasing to any such companies the railway of the company hereby incorporated in whole or in part or any rights or powers

acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit, provided that every such agreement authorized by this section shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds of the stock subscribed are present in person or represented by proxy; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telephone and telegraph lines.

29. The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being Chapter 158 of the Revised Statutes of Ontario, 1887) are hereby conferred upon the company.

Snow fences.

30. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow fences thereon subject to the payment of such damages, if any, as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: Provided always that any snow fences so erected shall be removed on or before the 1st day of April following.

Form of conveyance of land.

31. Conveyances of lands to the company for the purposes of and under the powers given by this Act, made in the form set forth in Schedule "A" to this Act or to the like effect shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario or the *Land Titles Act* and the amendments thereto. And no registrar or master or local master of titles shall be entitled to demand more than seventy-five cents for registering or recording the same, including all entries thereof and certificates thereof and certificates endorsed on the duplicates thereof.

Rev. Stat. c. 116.

Incorporation of provisions of Rev. Stat., c. 170.

32. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the company and the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof. And the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

33. The said railway shall be commenced within three years and be completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE "A."

(*Section 31.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Lake Superior, Algoma and Colonization Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said Lake Superior, Algoma and Colonization Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 18 .

Signed, sealed and delivered in the presence of } [L.S.]

No. 41.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Lake Superior, Algoma and Colonization Railway Company.

First Reading, 1893.

(Private Bill.)

Mr.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 41.] **BILL.** [1893.

An Act to incorporate The Lake Superior, Algoma and Colonization Railway Company.

WHEREAS the persons hereinafter named have by their petition represented that it is desirable to incorporate a company to construct and operate a railway from a point at or near the mouth of the Batchewaung river on Batchewaung bay, *in the township of Fisher*, in the district of Algoma, thence running in a south-easterly direction and passing through the townships of Tilley, Tupper, Vankoughnet, Deroche, Jarvis and Anderson, thence still south-easterly through the Garden River Indian Reserve and the townships of Chesley Additional, McMahon, and Coffin, thence easterly through the townships of Galbraith, Haughton, Gould, Grassett, Parkinson and Montgomery to and through the townships of Vernon and Totten to a terminal point in either of the townships of Dowling, Balfour or Rayside; with a branch from said line, starting at a point in the township of Galbraith, thence in a south-easterly direction through the townships of Rose, Lefroy and Kirkwood, to a point on the north shore of Lake Huron, at or near the town of Thessalon in the said district of Algoma; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Herman Ezra Long, Robert Forbes, William Herbert Trescott, Frederick Holman Merritt, and Franklin William Merritt, all of the city of Duluth, in the State of Minnesota, one of the United States of America, and Frederick Rogers and Alexander Gordon Duncan, both of the town of Sault Ste. Marie, in the said district of Algoma, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Lake Superior, Algoma *and* Colonization Railway Company," hereinafter called the "Company." Incorporation

2. The head office of the company shall be at the town of Sault Ste. Marie, in the district of Algoma, in the Province of Ontario. Head Office.

3. The company shall have full power and authority to lay out, construct, equip and operate a line of railway of a gauge Location of line.

of four feet, eight and one-half inches in width from a point at or near the mouth of the Batchewaung river, on Batchewaung bay, *in the township of Fisher*, in the district of Algoma, thence running in a south-easterly direction and passing through the townships of Tilley, Tupper, Vankoughnet, Deroche, Jarvis and Anderson, thence still south-easterly through the Garden River Indian Reserve and the townships of Chesley Additional, McMahon and Coffin, thence easterly through the townships of Galbraith, Haughton Gould, Grassett, Parkinson and Montgomery, to and through the townships of Vernon and Totten, to a terminal point in either of the townships of Dowling, Balfour or Rayside, in the said district of Algoma; with power also to construct, equip and operate a branch from said line starting at a point in the township of Galbraith, thence in a south-easterly direction through the townships of Rose, Lefroy and Kirkwood, to a point on the north shore of Lake Huron at or near the town of Thessalon, in the said district of Algoma, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the points aforesaid.

Power to construct line in sections.

4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof and of its course and direction, and *of* the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by *the clauses of The Railway Act of Ontario* and the amendments thereto with *respect to* plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may, from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway all and every *one* of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and *the* amendments thereof with respect to plans and surveys.

Rev. Stat. c. 17.

Power to acquire wharves, piers, etc.

5. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters to purchase and hold as its own absolute property and for the use of the company, wharves, piers, docks, water-lots, water frontages and lands, and upon the said water-lots, water frontages and lands and in and over the waters adjoining the same to build and erect elevators, storehouses, warehouses, engine houses, sheds, wharves, docks, piers and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels, and to collect wharfage, and storage and other charges for *the* use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water-lots, water frontages, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any thereof or any portion thereof in its discretion to sell, lease or convey, and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any *branch* line or lines of railway ☞no one of which shall exceed two miles in length.☜

Power to operate vessel service.

6. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work, control and keep in repair steam or other vessels from time to time to ply on the lakes, rivers and canals of this province in connection with the said railway, and also to make arrangements and agreements with steamboat and vessel proprietors by chartering or otherwise to ply on the said lakes, rivers or canals in connection with the said railway.

Acquiring land for elevators, etc.

7. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses and other erections for the uses of the company and the same or portions thereof in their discretion to sell or convey; and also to make use of for the purposes of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse.

Aid to company.

8. The company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other

securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Municipal bonuses.

9. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to acquire stone, gravel, etc.

10. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section, as to the obtaining materials as aforesaid and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits.

11.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing or main-

Rev. Stat. c. 170.

taining the said railway or any branch thereof by this Act authorized to be constructed.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

12. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and *may* sell and convey the same or parts thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots. Rev. Stat c. 170.

13. The persons named in section one of this Act, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional directors.

14. The said board of provisional directors shall have power forthwith to open stock-books and to procure subscriptions of stock for the undertaking and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors Powers of provisional directors. Rev. Stat. c. 170.

shall be held at the *said* town of Sault Ste. Marie, or at such other place as may best suit the interest of the company.

Capital stock.

Rev. Stat. c. 170.

15. The capital stock of the company hereby incorporated shall be $5,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 50,000 shares of $100 each, and shall be raised by the persons *and* corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to *the passing of* this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First general meeting for election of directors.

16. When and so soon as shares to the amount of $100,000 in the capital stock of the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the *said* provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the shareholders to be held at the head office of the company at the town of Sault Ste. Marie for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisment in *The Ontario Gazette* and in one or more newspapers published in the district of Algoma, and by circular letter sent by mail to each shareholder of the time, place and purpose of said meeting.

Number of directors and quorum.

Rev. Stat. c. 170.

17. At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect not less than five nor more than nine persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario.*

Qualification of directors.

18. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

Subsequent annual meetings.

19. Thereafter the general annual meeting of the shareholders of the company shall be held at the said town of Sault

Ste. Marie, *or in such other place and* on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the *said* district of Algoma during the four weeks preceding the week in which such meeting is to be held, and by circular letter sent by mail to each shareholder.

Special general meetings.

20. Special general meetings of the shareholders of the company may be held at said town of Sault Ste. Marie *or at such other place and* at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Calls.

21. The directors may, from time to time, make calls as they *shall* think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section nineteen of this Act.

Rights of aliens.

22. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Issue of bonds.

23. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $25,000 for each mile of the said railway, and the provisions of sub-section 20, 21, 22, 23, and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject, and according to and in conformity with the provisions of said sub-sections.

Rev. Stat., c. 170.

Pledging bonds, etc.

24. The company hereby incorporated may, from time to time, for advances of money to be made thereon mortgage *or* pledge any bonds, which, under the powers of this Act can be issued for the construction of the *said* railway.

Transfer of shares.

25. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are

surrendered to the company or the surrender thereof dispensed with by the company.

Negotiable instruments.

26. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the company and under the authority of a quorum of the directors shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary is shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Arrangements as to use of rolling stock of other companies.

☞**27.** It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, or rolling stock and other movable property from such companies or persons, for such time or times and on such terms as may be agreed upon; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more such contracting companies of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.☜

Amalgamation with other companies.

☞**28.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, and the Canadian Pacific Railway Company, or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy, at a special general meeting to be called for that purpose, in accordance with this Act.☜

Running arrangements with other companies.

☞**29.** The company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company or either of them, if lawfully empowered to enter

into such agreement, upon terms to be approved by two thirds in value of the shareholders at a special general meeting to be held for that purpose ; and it shall also be lawful for the company to enter into any agreement with the said companies or either of them, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line ; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telephone and telegraph lines.

30. The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being Chapter 158 of the Revised Statutes of Ontario, 1887) are hereby conferred upon the company.

Snow fences.

31. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty or into or upon any lands of any corporation or persons whatsoever lying along the route or line of the said railway, and to erect and maintain snow fences thereon subject to the payment of such damages, if any, as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered : Provided always that any *such* snow fences so erected shall be removed on or before the 1st day of April following.

Form of conveyance of land.

32. Conveyances of land to the company for the purposes of and under the powers given by this Act, made in the form set forth in Schedule " A " to this Act or to the like effect shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no regis-

Rev. Stat. c. 116.

trar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Incorporation of provisions of Rev. Stat., c. 170.

33. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the company and *to* the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof. And the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

34. The said railway shall be commenced within three years and be completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE "A."

(*Section 32.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Lake Superior, Algoma and Colonization Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said The Lake Superior, Algoma and Colonization Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of 18 .

Signed, sealed and delivered in the presence of } [L.S.]

No. 41.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An A t to incorporate The Lake Superior, Algoma and Colonization Railway Company.

First Reading, 19th April, 1893.

(*Reprinted as amended by Railway Committee.*)

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 42.] **BILL.** [1893.

An Act respecting The Toronto and Scarboro' Electric Railway Light and Power Company (Limited).

Preamble.

WHEREAS a petition has been presented by The Toronto and Scarboro', Electric Railway Light and Power Company (Limited), praying that an Act may be passed confirming four certain municipal by-laws and four certain indentures mentioned in Schedule "A" to this Act and also granting certain powers to enable the said company to carry out successfully its undertakings, and to construct and operate a railway over along and upon the Kingston road within the county of York and over along and upon the highways within the village of East Toronto, the townships of York and Scarboro' within the county of York; and also within the city of Toronto in the said county of York from a point at or near the south easterly limit of the city of Toronto westerly along or near the north shore of lake Ontario and Ashbridge's bay to a point at or near the river Don, thence northerly along or near the river Don to the north limit of the city of Toronto; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Location of line.

1. The said company shall have full power and authority under this Act to survey, lay out, construct, complete, equip and operate an electric railway and the works for the production, sale and distribution of electricity over along and upon the Kingston road within the county of York, and over along and upon the highways within the village of East Toronto and the townships of York and Scarboro', in the said county of York, subject to the consent of the respective municipal councils of the said municipalities, and also within the city of Toronto in the said county of York, from a point at or near the south-easterly limit of the city of Toronto, westerly along or near the north shore of lake Ontario and Ashbridge's bay to a point at or near the river Don; thence northerly along or near the river Don to the north limit of the city of Toronto.

Certain provisions of Rev. Stat. 170 incorporated.

2. The clauses of *The Railway Act of Ontario*, and the amendments thereto relating to "interpretation," "incorporation," "powers," (excepting sub-section 6 of section 9 of the said *Railway Act*) "plans and surveys," lands and their valuation," "highways and bridges," "fences," (except where the

said railway runs along or upon any highway), "tolls," "municipalities taking stock," "actions for indemnity, and fines and penalties and their prosecution," are incorporated with and shall form part of this Act, and shall apply to the said company and to the railway to be constructed by the company under this Act, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act" when used herein shall be understood to include the clauses aforesaid of *The Railway Act of Ontario*, and amendments thereof so incorporated with this Act.

By-laws and agreements confirmed.

3. The several by-laws and agreements mentioned in the Schedule "A" to this Act are hereby ratified and confirmed and declared to be valid and binding for all purposes whatsoever.

Power to extend time for begining or completing work.

4. The councils of the said municipalities may from time to time by resolution extend the time or times for beginning or completing the line or lines of the railway of the said company, and of the works connected with the undertaking or any portion or portions of either of the same named in any of the by-laws or agreements referred to in Schedule "A" aforesaid.

Capital Stock

Rev. Stat. c 170.

5. The directors of the said company are hereby authorized to increase from time to time as occasion may require the capital stock of the company in the manner provided by *The Railway Act of Ontario* but the capital stock of the company shall not exceed in the whole, the sum of $500,000.

Power to issue bonds or debentures Rev. Stat. C. 170.

6. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said railway and the provisions of sub-sections 20 (except as hereinafter provided), 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as said section is amended by chapter 45 of the statutes passed in the 53rd year of Her Majesty's reign, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections, but the words "but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work" contained in article (c) of said sub-section 20 shall not apply to this Act, and any special general meeting of the company to be called as provided in sub-section 20 shall be called as provided by the by-laws of the said company.

Negotiable instruments.

7. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100 and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-

president of the company, and countersigned by the secretary of the said company and under a general and special authority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without sanction and authority, either general or special, of the board of directors as herein provided and enacted; provided however that nothing in this section shall be construed to authorize the said company to issue promissory notes or bills of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

8. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Mortgaging bonds for advances.

9. The said company shall have full power and authority to receive, acquire and hold all voluntary grants and donations of land and other property made to it to aid in the construction, maintenance and accommodation of the said railway or of the works connected therewith, and to sell, lease, alienate, dispose or mortgage the same; and to purchase, lease, acquire, and hold of any corporation or person; any land or other property necessary for the construction, maintenance, accommodation and use of the said railway or for any of the purposes of the said company, and to sell, lease, alienate, dispose of or mortgage the same.

Power to acquire lands and to dispose of the same.

10. The said company shall also have power by and with the consent of the councils of the respective municipalities aforesaid, to purchase, lease, acquire by voluntary donation or otherwise, and to hold for any estate in the same and to sell, lease, alienate, or mortgage any lands or premises intended, necessary and suitable for parks and pleasure grounds, situated within any of the said municipalites, or partly in one and partly in another of the said municipalities; and the said company is authorized to improve and lay out such lands or premises for parks and places of public resort, and to make or enter into any agreement or agreements with any of the municipal corporations aforesaid in respect thereto; provided always that the lands to be held as aforesaid, shall not exceed three hundred acres and not more than one hundred acres in one locality, and it is hereby declared that the lands or premises, estate or interest therein which may be acquired by the company under the provisions of this section shall not be pro-

Acquiring lands for parks.

Proviso.

perty which the municipalities or any of them shall be bound to acquire, if the real and personal property of the company is taken over as provided in any of the agreements in Schedule "A" hereto aforesaid; provided moreover that the company shall not under this clause have power to acquire any lands after the lapse of seven years from the passing of this Act; and provided also that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Acquiring land for stations, gravel-pits, etc.

11. Whenever it shall be necessary for the purpose of securing sufficient lands for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separate from their railway, and may sell or convey the same or any part thereof, from time to time, as they may deem exepdient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring gravel, etc., for construction and repair of railway.

12. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payments of money into court, the right to sell, the right to convey, and the parties from whom such lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining the materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the lands from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel-pits, etc.

13.—(1) When said gravel, stone, earth or sand, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be; and

all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and specifications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding sections may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway. Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20, of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

14. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross by way of commutation or compensation for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation for such term of years as such corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Power to exempt company from taxation.

15. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways. Aid from municipalities.

16. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of

the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

55 V. c. 42.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-laws, what to contain.

17. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of such debentures, or the application of the amount to be raised thereby, as may be expressed by the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined by said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon payable half yearly, which debentures the respective municipal councils, the wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Expenses of by-laws.

18. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law approved of by rate-payers.

19. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council, which submitted the same, shall read the said by-law a third time and pass the same.

Levying rate on portion of municipality.

20. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head,

or other officers thereof, shall issue or dispose of the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Council may extend time for commencement of work.

21. The council of any corporation that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond th t stipulated by the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Council may extend time for completion.

22. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Provision for referring disputes as to bonus by-laws to arbitration.

23. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall, thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Minor municipality, meaning of.

24. The term "minor municipality" shall be construed to mean any town not separate from the municipal county, township or incorporated village situate in the county municipality.

Application of 53 V. c. 42, as to by-laws.

25. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-laws so

passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Levying rate on a portion of a municipality.

26. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Trustees of debentures.

27. Whenever any municipality, or a portion of a township municipality, shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall within six months after the passing of the by-laws authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council, shall omit to name such trustee within one month after notice in writing, to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

28. The said trustees shall receive the said debentures or bonds in trust, firstly, under the direction of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank, having an office in the Province of Ontario, in the name of "The Toronto and Scarboro' Electric Railway, Light, and Power Company, Municipal Trust Account," and to pay the same out to the company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company, for the time being, in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant

any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

Fees to trustees.

29. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be valid and binding as if the three had agreed.

Telegraph and telephone lines.

30. The said company may also construct telegraph and telephone lines in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Fares.

31. Subject to the terms of any of the agreements with any of the municipalities aforesaid, the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents.

Agreements with other companies for leasing or hiring rolling stock.

32. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, (if lawfully authorized to enter into such agreements), person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person, for such time or times, and on such terms as may be agreed upon; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise, as may be agreed upon.

Agreement with electric light company.

33. The said company shall have power to enter into any agreement or agreements with any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company.

Traffic arrangements with other companies.

34. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate any railway or railways, (if lawfully empowered to enter into any such agreement), upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them, (if lawfully authorized to enter into any such agreement), for the sale or leasing or hiring of any portion of the railway herein authorized,

or the use thereof, or for the sale or leasing or hiring of any electric motors or carriages or cars, or any of them, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into any such agreement for using the said railway, may, and are hereby authorized, to work the said railway in such manner as if incorporated with their own line; but nothing in this Act shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this province.

Agreements for amalgamation with other companies.

35. The company is authorized and empowered to make necessary arrangements to contract and agree with any other railway company or companies (if lawfully authorized to enter into such arrangements) for amalgamation with any such company or companies, provided that the terms of such amalgamation are approved by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Power to make certain payments in stock.

36. The said directors may pay or agree to pay in stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or for material or plant or rolling stock, buildings or lands, and also subject to the sanction of the vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way or material, plant, or rolling stock, whether such promotors or other persons be directors or not, and any agreement so made shall be binding on the company.

Rights of aliens.

37. All the shareholders in the said company whether British subjects or aliens, or residents in Canada or elsewhere, have and shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Transfer of stock.

38. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

39. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line, or of the undertaking or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or in bonds or in stock.

Power to contract for construction and equipment of line.

40. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in schedule "C" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of lands to the company.

SCHEDULE "A."

(Section 3.)

1. By-law No. 636, of the Municipal Council of the Corporation of the County of York.
2. By-law No. 1,377, of the Municipal Council of the Corporation of the Township of York.
3. By-law No. 139, of the Municipal Council of the Corporation of the Village of East Toronto.
4. By-law No. 539, of the Municipal Council of the Corporation of the Township of Scarborough.

5. This indenture made in duplicate the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety-two, between the Corporation of the County of York, hereinafter called the Municipality of the first part, and the Toronto and Scarboro Electric Railway, Light and Power Company (Limited) hereinafter called the Company of the second part.

Whereas certain persons were by letters patent under the great seal of the Province of Ontario, bearing date the eighteenth day of August, 1892, incorporated as a body corporation and politic, for the purpose therein mentioned, by the name of the Toronto and Scarboro Electric Railway, Light and Power Company (Limited); and

Whereas the company in and by the said letters patent was among other things empowered to construct, maintain, complete and operate and from time to time remove and change as required, a double or single iron railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along the King-

ston road within the municipality of the county of York, as the council of the said municipality may by by-law authorize, and to take, transport and carry passengers and freight upon the same, and to construct and maintain all necessary works, buildings, appliances, and conveniences connected therewith, under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway and to other matters connected therewith, pursuant to the provisions of *The Street Railmay Act*, being chapter 171 of the revised statutes of Ontario, 1887 ; and

Whereas the said company in and by the said letters patent was among other things further empowered to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the Kingston road within the said municipality, subject to such agreement in respect thereof as shall be made between the said company and the said municipality, pursuant to the provisions of the *Act respecting Companies for Steam and Heating or for supplying electricity for Light, Heat or Power*, being chapter 165 of the revised statutes of Ontario, 1887, and

Whereas in and by the said letters patent and pursuant to the provisions of the said Acts and of *The Municipal Act* the council of the said municipality is authorized to pass by-laws and to make and enter into any agreements or covenants relating to the construction and maintenance of railways or tramways, and to the production, sale and distribution of electricity over, upon and along the said Kingston road within the said municipality on such terms and conditions as may be necessary for the safety and convenience of the public, and

Whereas the said company has petitioned the council of the said municipality to sanction the construction and operation by the said company of an electric railway or tramway and the necessary works for the production, sale and distribution of electricity over, along and upon the said Kingston road within the said municipality, and has asked that certain other privileges and immunities should be granted to the said company, its successors and assigns, and

Whereas the said company has proposed to construct and operate such electric railway and the said works for the production, sale and distribution of electricity over, along and upon the said Kingston road within the said municipality, and is desirous of obtaining the necessary permission to do so, and

Whereas the parties hereto of the first part being the corporation of the county of York are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said municipality and the said company in pursuance of all the powers in that behalf enabling them so to do have covenanted and agreed, and by these presents do for themselves their successors and assigns covenant and agree each with the other of them as follows:—

1. That the said company, its successors and assigns be permitted without let or hindrance from the said municipality, its successors or assigns to construct, maintain, complete and operate and from time to time remove, change and repair as required, an iron or steel single railway track with the necessary side-tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, over, along and upon the Kingston road from its westerly termination at the north limit of Queen street in the city of Toronto, or so far westerly on the Kingston road as this municipality can grant such rights and privileges, easterly along the said Kingston road to the easterly limit of this municipality.

2. That the said company, its successors and assigns, shall have the right and privilege, but not the exclusive right or privilege, so far as the said municipality can legally grant the same, to construct, maintain, complete and operate works for the sale and distribution of electricity for purposes of light, heat and power, and to conduct the same as hereinafter provided, through, under and along the portion of the Kingston road aforesaid, subject always to the terms and conditions of this agreement.

3. That the said railway or tramway and the said works for the distribution of electricity and all works, plant and appliances connected therewith shall be of approved material and construction, and shall be made and constructed in a substantial manner, according to the best modern practice and to the satisfaction of the said municipality, and the same shall be worked and carried on under such regulations and conditions as may be considered necessary by the said municipality for the protection of the inhabitants of the said municipality and of the public generally.

4. The roadway track and rails of the said railway or tramway shall be located and constructed on and along such portion or portions of the said Kingston road as shall be determined by the said municipality before the construction of the said railway or tramway shall be commenced.

5. All the space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair and planked where directed by the said municipality, and the said road shall be maintained flush so far as practicable with the rails of the said railway or tramway by the said company, its successors or assigns, to the satisfaction of the said municipality,

and the said company, its successors or assigns, shall also be bound to construct and keep in repair crossings of a character approved of by the said municipality within the limits aforesaid at the intersection of the said railway or tramway track with all cross-streets or highways now or hereafter opened, and such other places as may be directed by the said municipality, and whenever bridges, culverts or waterways are found to be necessary for drainage or other purposes, the same shall be constructed in a manner to be approved of by the said municipality.

6. All tracks and turnouts shall conform to the grades of the said Kingston road unless otherwise determined by the said municipality, and the said company shall not in any way change or alter the same, except with the approval of the said municipality.

7. The location of the line of the said railway on the said Kingston road shall not be made until the plans thereof showing the position of the rails, switches, turnouts and other works on the said road shall have been submitted to and approved of by the said municipality, and the line of the said railway shall not deviate from the line of the said Kingston road within the said municipality as it at present or may hereafter exist.

8. That the said municipality shall have the right to take up any part of the said portion of the said Kingston road traversed by the rails of the said railway, either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side-crossings, or for laying down or repairing gas or water-pipes, and for all other purposes within the province and privilege of the municipal corporation of the county of York, without the company, its successors or assigns being entitled to any compensation for damages occassioned to the work of the said railway or tramway or works connected therewith, and such alterations or repairs shall be made in such a way as to interfere as little as possible with the convenient working of the said railway or tramway.

9. The rails to be used by the said company, its successors and assigns, shall be the ordinary flanged T-shaped rails, and the cars and motors to be used on the said railway shall be of an approved modern design.

10. All persons using the said portion of the said Kingston road shall be at liberty to travel upon any portion of the travelled roadway occupied by the said railway or tramway, and in the same manner as upon other portions of the said highway, and vehicles of every description are to be allowed upon such portion of the said highway, it being provided, however, that the cars of the said company, its successors or assigns have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall

turn out upon meeting or being overtaken by any cars of the said company, its successors or assigns so as to give them full right of way.

11. The said railway or tramway and the works hereinbefore mentioned shall not be opened or put into operation until the sanction of the said municipality has been obtained and certified in writing.

12. The company, it successors or assigns, shall run at least two cars each way morning and evening on a regular timetable at such hours as will best meet the wants of the residents and the public generally.

13. In case the electric motors or cars used by the company its successors or assigns in operating the said railway, whilst passing along the said railway or tramway shall cause alarm to any horse or horses, travelling or being upon the said road with vehicle or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable or allow the horse or horses so alarmed to pass, and the servants of the said company shall on request assist the person or persons driving, riding, or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to persons, or to horses, vehicles, or other property of persons travelling, using, or being upon the said roadway.

14. The maximum rate of speed at which the cars or motors of the said company shall run or travel shall be determined from time to time by the said municipality.

15. The conductors on the cars or motors of the said company shall announce to the passengers the names of the stations, streets, highways and public squares as the cars or motors reach them, and the said company shall cause a gong or bell connected with or upon the said cars or motors to be sounded or rung on approaching crossings and at such other places and times as may be determined by the said municipality.

16. When the accumulation of snow or ice is sufficient to impede the running of the cars the company shall remove the same, and when the snow is removed from the track the company shall slant down the same on the roadway so as to be convenient to the travelling public to the satisfaction of the said municipality.

17. The company, its successors or assigns, shall be liable for all damage occasioned by the existence of the rails, or by the running of the cars of the company upon the said highway, and the said company, its successors or assigns, shall hold the said municipality in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recoverable against the said municipality in respect of any claim for any such damage; provided, however, that the company, its successors or assigns,

shall have been notified by the said municipality upon any such claims having been made.

18. Should the company, its successors or assigns, neglect to keep the track or road crossings or ballasting in good condition, according to the terms of this agreement, or to have the necessary repairs, crossings, ballasting or planking according to this agreement made thereon, the said municipality may give notice requiring such repairs, crossings, ballasting or planking to be made forthwith, and if after such notification given requiring such repairs, crossings, ballasting or planking to be made, the said company, its successors or assigns, do not within one week begin and carry to completion such repairs, crossings, ballasting or planking, with all reasonable diligence, the said municipality shall be at liberty to place the said highway in a proper state of repair, and to construct and carry to completion such crossings, ballasting and planking at the expense of the said company, its successors or assigns, the said company, for itself, its successors and assigns hereby agreeing to pay for such work on demand.

19 The rights and privileges granted by this agreement shall extend over a period of twenty years from the date hereof, renewable upon such terms and conditions as may be agreed upon between the said municipality and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, or the said electric railway and the said electric lighting system and the real and personal property connected therewith may be assumed by the said municipality as provided by *The Street Railway Act*, but in estimating the value of the said real and personal property the rights and privileges herein granted by the said municipality shall not be considered assets of the said company.

20. No motive power other than electricity shall be used by the said company except with the approval of the said municipality.

21. That the company, its successors or assigns, shall be subject to all by-laws of the said municipality now in force or that may hereafter be passed in respect to streets, roads and highways in so far as practicable.

22. Provided always and it is hereby agreed by and between the said municipality and the said company, their successors or assigns, that the said company shall commence the construction of the said railway within two years from the date hereof, and shall complete the said railway to a distance of at least two miles within three years from the date hereof, and in default therein the company shall forfeit the rights and privileges obtained by virtue hereof and the said company shall extend the said railway along the said Kings-

ton road to the Grand Trunk railway crossing within seven years from the date hereof, and in default therein the rights and privileges hereby granted shall expire in ten years from the date hereof, and not in twenty years as provided in paragraph 19 of this agreement, but in other respects the terms and provisions of the said paragraph 19 shall remain and have effect.

23. The fares to be charged by the said company shall not exceed a rate per mile of two cents for each adult and one and one-half cents for each child under twelve years of age, but the said company shall not be bound to carry any adult passenger any distance for less than five cents, or any child of the age aforesaid for less than three cents, and between the hours of eleven o'clock in the afternoon and six o'clock in the forenoon the said company shall have the right to charge double the said fares.

24. It is expressly understood and agreed by and between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the corporation of the county of York has power to give, and if it shall be held by any court of competent jurisdiction that the said corporation of the county of York has not power to give the permission or franchise hereby assumed to be given this indenture shall thereupon be null and void and of no effect.

25. And the said company, for itself, its successors and assigns, covenants and agrees with the said municipality, its successors and assigns, that the said company will for ever hold harmless and indemnify the said municipality, its successors and assigns, from all damages, costs and charges arising out of, or in consequence of, or in connection with the prosecution or defence of any suit, action, or proceeding that may be undertaken at the instance of the said company or its assigns for the purpose of ascertaining or declaring what powers may be possessed by the said municipality to give an exclusive or other right to erect or maintain tracks or railways on the portion of the said Kingston road in this indenture referred to, or in any manner calling in question any rights given or arising out of or intended to be given or to arise out of this indenture, and the said municipality hereby agrees to prosecute or defend in the name of the said municipality any action under this section which the said company or its assigns may deem advisable in its interests to be prosecuted or defended; provided that before the said municipality shall be bound to enter upon any such prosecution or defence the said company or its assigns shall give such security as may be approved of by the said municipality for the performance and fulfilment and indemnification provided for by this section.

26. Until the removal of toll charges from the said portion of the Kingston road the said company, its successors or assigns, shall pay to the said municipality, its successors or

assigns, from and after the date of the opening of the said railway an annual charge or license fee at the rate of one hundred dollars per annum for the use of the said highway, and the said charge or license fee shall be in lieu of toll or toll charges for the use of the said portion of the said Kingston road.

27. It is hereby agreed by and between the parties hereto for themselves, their successors and assigns that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the county council of the county of York, or by any committee thereof authorized to make such appointment, and the services of any professional officer appointed by virtue hereof shall be paid for by the said company.

In witness whereof, the said municipality being the corporation of the county of York, has hereunto affixed its corporate seal by the hands of the warden and clerk of the said county, and the said company, The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited) has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

Signed, sealed, executed and delivered in the presence of
THOS. A. ROWAN.

A. FORSTER, Warden C. Y. { L.S. }
GEO. EAKIN, Clerk, C. Y.

JOHN HALLAM, Vice-President. { L.S. }
A. W. DINGMAN, Secretary.

This indenture made in duplicate the sixth day of February, one thousand eight hundred and ninety-three, between the corporation of the Township of York, hereinafter called the municipality of the first part, and The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), hereinafter called the company of the second part.

Whereas, certain persons were by letters patent under the great seal of the province of Ontario, bearing date the eighteenth day of August, A.D., 1892, incorporated as a body corporate and politic, for the purposes therein mentioned, by the name of "The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited)," and

Whereas, the said company in and by the said letters patent was among other things empowered to construct, maintain, complete and operate and from time to time remove and change as required a double or single iron railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways within the said municipality as the council thereof may by by-law authorize and to take, transport and carry passengers and freight upon the same and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway and to other matters connected therewith pursuant to the provisions of *The Street Railway Act*, being chapter 171 of the Revised Statutes of Ontario, 1887, and

Whereas, in and by the said letters patent and pursuant to the provisions of the said Acts and of *The Municipal Act* the council of the said municipality is authorized to pass by-laws and to make and enter into any agreements or covenants relating to the construction and maintenance of railways and tramways over, along and upon the streets or highways within the said municipality on such terms and conditions as may be necessary for the safety and convenience of the public; and

Whereas, the said company have petitioned the council of the said municipality to sanction the construction and operation by the said company of an electric railway or tramway and the necessary works connected therewith over, along and upon certain streets and highways which are owned by the said municipality, which said streets and highways are hereinafter particularly defined, and have asked that certain other privileges and immunities should be granted to the said company, their successors and assigns; and

Whereas the company have proposed to construct and operate such electric railway and the said works over, along and upon the said streets and highways and are desirous of obtaining the necessary permission so to do; and

Whereas, the parties hereto of the first part being the corporation of the township of York are willing to grant such permission upon the terms and conditions hereinafter set forth and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said municipality and the said company in pursuance of all the powers in that behalf enabling them so to do have covenanted and agreed and by these presents do for themselves, their successors and assigns, covenant and agree each with the other of them as follows:—

1. That the said company, their successors and assigns, be permitted without let or hindrance from the said municipality, its

successors or assigns, to construct, maintain, complete and operate and from time to time remove, change and repair as required an iron or steel railway track or tracks with the necessary side-tracks, switches and turnouts for the passage of cars and other vehicles adapted to the same over, along and upon the following streets, roads and highways within the said municipality, namely :—

(*a*) The original allowance for a road between the first concession from the bay and the broken front thereof (designated as Queen street east) from its intersection with the westerly limit of the township of Scarboro' to its intersection with the easterly limit of the village of East Toronto.

(*b*) Gerrard street from its intersection with the village of East Toronto to its intersection with Coxwell avenue.

(*c*) Coxwell avenue from its intersection with the northerly limit of Gerrard street southerly to a point where the southerly limit of Gerrard street east at the east limit of the city of Toronto would if produced intersect Coxwell avenue.

(*d*) The original allowance for a road between the first and second concessions from the bay in the township of York known as Danforth road from its intersection with the westerly limit of the township of Scarboro' to its intersection with the easterly limit of the village of East Toronto and from its intersection with the westerly limit of the village of East Toronto to its intersection with the easterly limit of the city of Toronto.

(*e*) The production northerly of Greenwood's side line from its intersection with the northerly limit of the Danforth road, township of York, to its intersection with the northerly limit of Salmon avenue in so far as the municipality has power to grant the same.

(*f*) Salmon avenue from its intersection with the easterly limit of Greenwood's side line produced to its intersection with the westerly limit of Leslie street.

(*g*) Leslie street from its intersection with the southerly limit of Salmon avenue to its intersection with the northerly limit of the Don Mills road.

(*h*) The Don Mills road from its intersection with the easterly limit of Leslie street to its intersection with the northerly limit of the city of Toronto.

2. That the said railway or tramway shall be of approved material and construction and shall be made in a substantial manner and according to the best modern practice in use and to the satisfaction of the said municipality and their engineer for the time being and the same shall be worked and carried on under such regulations as may be necessary for the protection of the inhabitants of the said municipality and of the public generally.

3. The roadway, track and rails of the said railway or tramway shall, subject to the proviso hereinafter contained, be located and constructed on one side only of the said streets, roads and highways and the side upon which the same shall be located and the location of the rails shall be determined by the said municipality and their engineer before the construction of the said railway or tramway shall be commenced Provided, however, that after the expiration of the period of twenty years the said company shall if required by the said municipality remove their said track or any part thereof to the centre of the graded portion of the highway if the company, their successors or assigns, continue to own and operate the said railway.

4. Wherever the railway or tramway is constructed upon the centre or any part of the graded portion of the roadway all the space between the rails and at least one foot six inches immediately adjoining the outside of each rail as directed by the township engineer shall be substantially and properly filled with macadam and shall be kept in a good state of repair and the said macadam shall be maintained flush with the rails of the said railway or tramway by the said company, their successors and assigns, who shall also be bound to construct and keep in good repair crossings of a character approved of by the said municipality and their engineer within the limits aforesaid. At the intersection of the said railway or tramway track with all cross streets or highways now or hereafter opened, fender planks shall be used and whenever bridges, culverts or waterways are found necessary for drainage or other purposes the same shall be constructed in a manner to be approved of by the said municipality and their engineer and that in the construction of the said railway the said company, their successors or assigns, shall cause the ties to be laid on a good sand and gravel ballast of four inches in depth and the space between the ties to be filled to the top of the same with good select gravel and the space between the rails and at least one foot six inches immediately adjoining the outside of each rail as directed by the township engineer to be filled with macadam with a crown of two inches at centre above the top of the rails of the said railway or tramway.

5. All the tracks and turnouts shall conform to the grades of the said streets, roads and highways unless otherwise determined by the said municipality and their engineer and the said company shall not in any way change or alter the same except with the approval of the said municipality and its engineer.

6 The location of the line of railway on the streets or highways shall not be made until the plans thereof showing the position of the rails and other works on the said streets or highways shall have been submitted to and approved of by the said municipality and engineer.

7. That the said municipality shall have the right to take up any part of the streets or highways traversed by the rails of the said railway either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side crossings or for laying down or repairing gas or water pipes and for all other purposes within the province and privilege of a municipal corporation without the company, their successors or assigns, being entitled to any compensation for damages occasioned to the working of the said railway or tramway or works connected therewith and such alterations and repairs shall be made in such a manner as to interfere as little as possible with the convenient working of the said railway or tramway and the said company shall attend to and take care of their track and other property during such repairs without being entitled to make any charge or receive any compensation for so doing.

8. The rails to be used by the said company, their successors and assigns, shall be the ordinary T-shaped rails and the cars and motors to be used on the said railway shall be of an approved modern design.

9. All persons using the said road or highway shall be at liberty to travel upon any portion of the said travelled roadway occupied by the said railway or tramway and in the same manner as upon other portions of the said highway and vehicles of every description are to be allowed upon such portion of the said highway, it being provided, however, that the cars of the said company, their successors and assigns, have the first right of way over the said railway or tramway and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

10. The said railway or tramway shall not be commenced, opened or put in operation until the sanction of the council of the said municipality and their engineer has been obtained by the enactment of a special resolution to that effect and such sanction may be granted by a certificate from the township engineer declaring the said railway or tramway to be in good condition and constructed conformable with the conditions prescribed in this agreement in that behalf and specifications to be furnished.

11. The company, their successors or assigns, shall run at least two cars each way, morning and evening on a regular time-table at such times as will best meet the wants of the residents and the general public.

12. In case the electric motor or car used by the said company their successors or assigns in operating the said road, whilst passing along the said railway or tramway shall cause alarm to any horse or other animal travelling or being upon

the said road with vehicle or otherwise, the motors or cars of the said company shall if it appears necessary be stopped to enable the horse or other animal so alarmed to pass the said motor and the servants of the said company shall in case of apparent danger assist the person or persons driving, riding or in charge of the horse or horses or other animals that may be alarmed as aforesaid, so as to prevent accident or injury to any person or persons, horse or horses, vehicle or other property of persons travelling using or upon said roadway. So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway the speed of the cars may be increased, not however, to exceed when on the public highway, at any time such rate of speed as shall be determined from time to time by the said municipality.

13. The conductors on the cars of the said company shall announce to the passengers the names of the stations, streets and highways and public squares as the cars or motors reach them. And the said company shall cause a gong or bell connected with or upon said cars or motors to be sounded or rung in approaching crossings and at such other times and places as may be determined by the said municipality.

14. For facilitating the running of the company's cars, sleighs or other conveyances may be used.

15. When the accumulation of ice or snow is in the opinion of the township engineer or the said council, sufficient to impede the running of the cars, the company shall on receiving notice from him or them remove the same or provide sleighs or other conveyances as provided in the preceding section, and when the snow is removed from the track the company shall level down the snow on the roadway so as to be convenient for the travelling public to the satisfaction of the said engineer.

16. The company, their successors or assigns shall be liable for all damages occasioned by the existence of the rails or cars of the said company upon the said highway, and the said company their successors or assigns shall hold the said municipality harmless in all respects in respect thereof and upon demand shall forthwith pay to the said municipality all sums payable by or recovered against the said municipality in respect of such claim ; provided however that the said company their successors or assigns shall have been notified by the said municipality upon any such claim having been made.

17. Should the company, their successors or assigns neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement the said municipality may give notice requiring such repairs to be made forthwith and if after such notification given requiring such repairs to be made, the said company, their successors or assigns do not within two weeks begin and carry to completion such repairs with all reasonable diligence the said municipality shall be at liberty to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns.

The said company, for themselves their successors or assigns, hereby agree to pay for such work on demand, and if not paid in ten days after such demand the said municipality may take possession of the road until such expenses are paid.

18. The rights and privileges granted by this agreement shall extend over a period of twenty-years from the date hereof, renewable for further periods of twenty years, renewable upon such terms and conditions as may be agreed upon between the said municipality and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, or the said railway and the real and personal property connected therewith may be assumed by the said municipality as provided by *The Street Railway Act*, but the franchise hereby granted shall not be considered as assets of the said company.

19. No motive power other than electricity shall be used by the said company except with the approval of the said municipality.

20. That the company, their successors or assigns shall be subject to all by-laws and parts of by-laws of the said municipality now in force, or that may hereafter be passed in respect to the streets, roads and highways in so far as applicable.

21. Provided always, and it is hereby agreed by and between the said municipality and the said company their successors and assigns that the said company shall commence the construction of the said railway or tramway not later than two years from the date of this agreement and shall complete the same within three years from the said date, but the time for completion of certain sections of the said railway may be extended by the said municipality upon good cause for such extention of time being shown.

22. And the said company, their successors and assigns hereby covenant and agree with the said municipality that when the construction of the said railway is commenced it shall be proceeded with continuously and with due diligence until it reaches the intersection of Danforth road and Dawes road in the said municipality affording the residents of the village of Little York (Colman P.O.) communication with the city of Toronto.

23. The fares to be charged by the said company for a single passage over the said railway to or from any point in the township of York, from or to the limits of the city of Toronto shall not exceed five cents for each passenger, provided, however, that children in arms shall be carried free of charge, but between the hours of 11.30 o'clock in the afternoon and 5 o'clock in the forenoon the said company shall have the right to charge double the said fare.

24. It is hereby agreed by and between the parties hereto for themselves, their successors and assigns, that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the council of the said municipality or by any committee thereof authorized to make such appointment subject to the approval of said municipality and the services of any professional officer appointed by virtue hereof shall be paid for by the said company when the said work is performed.

25. The company, their successors or assigns covenant and agree with the said municipality that they will build and operate continuously their said railway from the easterly limit of the city of Toronto to the intersection of the Danforth road with Dawes road at Dawes corners within twelve months from the date of the commencement of the construction of said railway or any part thereof in any municipality.

26. It is furthermore agreed that should the company, their successors or assigns fail to construct their road within the time specified within this agreement to the intersection of the Danforth road and the Dawes road at Empiringham's corner in the municipality and thereafter to continuously operate the same, all rights and privileges over all roads within the said municipality and all other privileges granted under this agreement shall become null and void as if the same had never been entered into, provided always that at the request of the said company, their successors or assigns, the above clause, condition or penalty may be altered, modified or amended or waived by any by-law or by-laws passed from time to time by the said municipality, their successors or assigns and the said by-law or by-laws may at any subsequent time or times be amended, altered or repealed by the said municipality, their successors or assigns.

In witness whereof, the said municipality being the corporation of the township of York has hereunto affixed its corporate seal by the hands of the reeve and clerk of the said township, and the said company, The Toronto and Scarboro' Electric Railway Light and Power Company (Limited) has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

Signed, sealed, executed and delivered in the presence of

(Sgd) S. T. HUMBERSTONE, Reeve. { L. S. }

(Sgd) W. A. CLARKE, Clerk.

(Sgd) JOHN HALLAM, Vice-President.

(Sgd) A. W. DINGMAN, Secretary. { L. S. }

This indenture made in duplicate the sixteenth day of November, one thousand eight hundred and ninety-two, between the Corporation of the Village of East Toronto, hereinafter called the municipality of the first part and the Toronto and Scarboro' Electric Railway, Light and Power Company, (Limited), hereinafter called the Company of the second part.

Whereas certain persons were by letters patent under the Great Seal of the Province of Ontario, bearing date the eighteenth day of August, A.D. 1892, incorporated as a body corporate and politic for the purposes therein mentioned, by the name of "The Toronto and Scarboro' Electric Railway Light and Power Company" (Limited), and

Whereas the company in any, by the said letters patent was among other things empowered to construct, maintain, complete and operate and from time to time remove and change as required a double or single iron railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the streets or highways within the said municipality as the council thereof might by by-law authorize, and to take transport and carry passengers and freight upon the same and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway and to other matters connected therewith, pursuant to the provisions of *The Street Railway Act*, being Chapter 171 of the Revised Statutes of Ontario, 1887 ; and

whereas the said company in and by the said letters patent was among other things empowered to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the streets, highways and public places within the said municipality subject to such agreement in respect thereof as should be made between the said company and the said municipality pursuant to the provisions of *The Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power* being chapter 165 of the revised statutes of Ontario, 1887; and whereas in and by the said letters patent, and pursuant to the provisions of the said Acts and of the municipal act the council of the said municipality is authorized to pass by-laws and to make and enter into any agreements or covenants relating to the construction and maintenance of railways or tramways and to the production, sale and distribution of electricity, over and along the streets or highways within the said municipality on such terms and conditions as may be necessary for the safety and convenience of the public; and, whereas the said company has petitioned the council of the said municipality to sanction the con-

struction and operation by the said company of an electric railway or tramway, and the necessary works for the production, sale and distribution of electricity over, along and upon certain streets and highways within the said municipality which said streets and highways are hereinafter particularly defined, and has asked that certain other privileges and immunities should be granted to the said company, its successors and assigns; and whereas the said company has proposed to construct and operate such electric railway and the said works for the production, sale and distribution of electricity over, along and upon the said streets and highways, and is desirous of obtaining the necessary permission so to do; and whereas the party hereto of the first part being the corporation of the village of East Toronto is willing to grant such permission upon the terms and conditions hereinafter set forth and to enter into an agreement with the said company such as is hereinafter contained, now this agreement witnesseth that the said municipality and the said company in pursuance of all the powers in that behalf enabling them so to do, by these presents do for themselves, their successors and assigns respectively covenant and agree each with the other of them as follows:—

1. That the said company, its successors and assigns be permitted without let or hindrance from the said municipality, its successors and assigns to construct, maintain, complete and operate, and from time to time remove, change and repair as required an iron or steel railway track or tracks, with the necessary side-tracks, switches and turnouts for the passage of cars and other vehicles adapted to the same, over, along and upon the following streets and highways within the said municipality, namely:—

(*a*) The original allowance for a road between the first concession from the bay and the broken front thereof (known as Queen street east) from its intersection with the westerly limit of the village of East Toronto to its intersection with the easterly limit of the said village.

(*b*) Gerrard street from the easterly to the westerly limit of the said municipality.

(*c*) The original allowance for a road between the first and second concessions from the bay in the township of York (known as Danforth road) from the easterly to the westerly limit of the said municipality.

(*d*) Balsam avenue from its intersection with Queen street to its southerly termination.

2. That the said company, its successors and assigns shall have the right within the said municipality to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same as hereinafter provided,

through, under and along the streets, roads and highways aforesaid and through, under and along such other highways and parts of the said municipality as the council thereof may from time to time by by-law authorize, subject always to the terms and conditions of this agreement so far as the same are applicable.

3. That the said railway or tramway and the said works for the production and distribution of electricity and all works, plant and appliances connected therewith shall be of approved material and construction and shall be made in a substantial manner and according to the best modern practice at the time or times of construction and the same shall be worked and carried on from time to time under such regulations as may be necessary for the protection of the inhabitants of the said municipality and of the public generally.

4. The roadway, track and rails of the said railway or tramway shall be located and constructed on and along such portion or portions of the highways aforesaid as shall be determined by the said municipality and plans thereof showing the proposed position of the railway, track, rails and other works of the said railway on and along the said highways, shall be submitted to and approved of by the said municipality before the construction of the said railway or tramway shall be commenced.

5. All the space between the rails of the said railway and that part of the roadway outside of the rails to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair by the company and the said roadway shall be maintained flush (as far as practicable) with the rails of the said railway or tramway by the said company, its successors and assigns and the said company shall also be bound to construct and keep in repair crossings of a character approved of by the said municipality on the line of the said railway, within the limits of the highways above described at the intersection of the said railway or tramway track with all the cross-streets or highways now open or hereafter to be opened and whenever bridges, culverts or waterways are found to be necessary by reason of the said railway for drainage or other purposes the same shall be constructed by the company in a manner to be approved of by the said municipality.

6. All the tracks and turnouts of the said railway shall conform to the grades of the said streets, roads and highways, unless otherwise determined by the said municipality and the said company shall not in any way change or alter the same except with the approval of the said authority.

7. That the said municipality shall have the right to take up any part of the streets or highways traversed by the rails of the said railway either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side-crossings, for laying down or repairing gas or water-

pipes and for all other purposes within the province, power and privileges of the said municipality, and the enumeration of the foregoing purposes shall not be held to limit the municipality to such purposes or to exclude any other powers whatever of the municipality, whether of the same kind as those enumerated or otherwise, and the company, its successors, or assigns shall not be entitled to any compensation for damages occasioned thereby to the railway or to the working of the same or to the works connected therewith, and such alterations or repairs shall in all cases be made in such a way as to interfere as little as possible with the convenient working of the said railway or tramway.

8. The rails to be used by the said company, its successors and assigns shall be the ordinary flanged T-shaped rails and the cars and motors to be used on the said railway shall be of an approved modern design.

9. All persons using the said roads or highways shall be at liberty to travel on any portion of the travelled roadway occupied by the said railway or tramway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the said highways. It being provided that the cars of the said company, its successors or assigns, have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any cars or motors of the said company, its successors or assigns so as to give them full right of way.

10. The said railway or tramway and the works hereinbefore mentioned shall not be opened or put into operation until the sanction of the said municipality has been obtained and certified in writing.

11. The company, its successors or assigns shall run cars or motors according to a regular time-table, and at such hours as will best meet the wants of the residents of the municipality and the general public.

12. In case the electric motors or cars used by the company, its successors or assigns, in operating the said railway, whilst passing along the said railway or tramway shall cause alarm to any horse or horses travelling or being upon said road with vehicle or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable or allow the horse or horses so alarmed to pass the said motors or cars and the servants of the said company shall, on request, assist the person or persons driving, riding, or in charge of the horse or horses that may be alarmed as aforesaid so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway.

13. The maximum rate of speed at which the cars or motors of the said company shall run or travel shall be determined from time to time by the said municipality.

14. The conductors on the cars or motors of the said company shall announce to the passengers the names of the stations, streets, highways and public squares, as the cars or motors reach them, and a gong or bell shall be carried on every motor or train of cars in motion, and on approaching a crossing or any public or other place where warning is required, the same shall be rung or sounded in such a manner as to give due warning of the approach of the motor or train of cars.

15. When the accumulation of snow or ice is sufficient to impede the running of the cars, the company shall remove the same and when the snow is removed from the track the company shall level down the snow on the roadway so as to be convenient to the travelling public to the satisfaction of the said municipality.

16. The company, its successors or assigns shall be liable for all injury and damage occasioned by the construction of the railway, the existence of the rails or cars of the company upon the said highway, and by the working of the railway or otherwise by reason of the railway and the said company, its successors or assigns shall hold the said municipality, in all respects, harmless in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recovered against the said municipality in respect of claims for any such damage or injury, or damages and the said company, its successors or assigns shall always be notified without delay by the said municipality upon any such claim being made.

17. Should the company, its successors or assigns, neglect to keep its track, road, crossings, or ballasting in good condition according to the terms of this agreement or to have the necessary repairs according to this agreement made thereon, the said municipality may give notice requiring such repairs to be made forthwith, and if after such notification given requiring such repairs to be made the said company, its successors or assigns, do not within one week begin and carry to completion such repairs with all reasonable diligence the said municipality shall be at liberty to place the said highway in a proper state of repair at the expense of the said company, its successors or assigns, the said company for itself, its successors or assigns, hereby agreeing to pay for such work on demand.

18. The rights and privileges granted by this agreement shall extend over a period of twenty years from the date hereof.

19. No motive power, other than electricity, shall be used by the said company except with the approval of the said municipality, unless in the case of accident or necessity, when horses may be used for the time being.

20. The company, its successors or assigns, shall be subject to all by-laws and parts of by-laws of the said municipality now in force or that may hereafter be passed in respect to streets, roads and highways, in so far as practicable.

21. Provided always and it is hereby agreed by and between the said municipality and the said company, their successsor or assigns, that the said company shall commence the construction of the said railway or tramway not later than one year from the date of this agreement and shall complete the same within two years from the said date, but the time for the completion of certain sections of the said railway may be extended by the said municipality upon good cause for such extension of time being shown.

22. That the company shall carry passengers from any point in the said municipality to any other point within the same in one direct and continuous journey and also from any point in the said municipality to the city of Toronto at a convenient point for connection with the street-car system of the Toronto railway, in a direct and continuous journey, for the following fares or charges, namely: for each adult passenger not more than five cents, and on request the company shall issue six tickets for twenty-five cents; for each child under ten years of age not more then three cents; and children in arms shall in all cases be carried free The company further agrees to procure or endeavor to procure a system of transfer tickets with the Toronto railway company and if the same be not arranged or agreed upon between the said companies the same shall be determined by arbitration pursuant to the provisions of *The Municipal Act* in that behalf.

23. It is hereby agreed by and between the parties hereto for themselves their successors and assigns that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the council of the said municipality or by any committee thereof authorized to make such appointment and the services of any professional officer appointed by virtue hereof shall be paid for by the said company.

In witness whereof the said municipality being the corporation of the village of East Toronto, has hereunto affixed its corporate seal by the hands of the chairman of finance and the clerk of the said municipality, and the said company, The Toronto and Scarboro Electric Railway, Light and Power Company (Limited), has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

Signed, sealed, executed and delivered in the presence of H. R. MORTON, as to execution by the village of East Toronto.

THOS. A. ROWAN, as to signatures of JOHN HALLAM and A. W. DINGMAN.

B. MORTON,
Chairman of Finance.
W. H. CLAY,
Clerk East Toronto.

JOHN HALLAM,
Vice-President.
A. W. DINGMAN,
Secretary.

This indenture, made in duplicate the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety-two, between the corporation of the township of Scarboro', one of the municipalities of the county of York, hereinafter called the municipality of the first part, and The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), hereinafter called the Company of the second part.

Whereas certain persons were, by letters patent under the Great Seal of the Province of Ontario, bearing date the eighteenth day of August, A.D. 1892, incorporated as a body corporate and politic, for the purposes therein mentioned, by the name of "The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited)"; and

Whereas the company in and by the said Letters Patent was among other things empowered to construct, maintain, complete and operate, and from time to time remove and change as required a double or single iron railway, with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets or highways within the said municipality as the council thereof may by by-law authorize, and to take, transport and carry passengers and freight upon the same, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway, and to other matters connected therewith, pursuant to the provisions of *The Street Railway Act*, being chapter 171 of the Revised Statutes of Ontario, 1887; and

Whereas the said company, in and by the said letters patent, was, among other things, empowered to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the streets, highways and public places within the said municipality, subject to such agreement in respect thereof as shall be made between the said company and the said municipality, pursuant to the provisions of *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, being chapter 165 of the Revised Statutes of Ontario, 1887; and

Whereas in and by the said letters patent, and pursuant to the provisions of the said Acts, and of *The Municipal Act*, the council of the said municipality is authorized to pass by-laws and to make or enter into any agreements or covenants relating to the construction and maintenance of railways or tramways, and to the production, sale and distribution of electricity over, along and upon the streets or highways within the said

municipality on such terms and conditions as may be necessary for the safety and convenience of the public; and

Whereas the said company has petitioned the council of the said municipality to sanction the construction and operation by the said company of an electric railway or tramway, and the necessary works for the production, sale and distribution of electricity over, along and upon certain streets and highways within the said municipality, which said streets and highways are hereinafter particularly defined, and have asked that certain other privileges and immunities should be granted to the said company, its successors and assigns; and

Whereas the said company has proposed to construct and operate such electric railway and the said works for the production, sale and distribution of electricity over, along and upon the said streets and highways, and is desirous of obtaining the necessary permission so to do; and

Whereas the parties hereto of the first part, being the corporation of the township of Scarboro', are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said municipality and the said company, in pursuance of all the powers in that behalf enabling them so to do, have covenanted and agreed, and by these presents do for themselves, their successors and assigns, covenant and agree each with the other of them as follows:—

1. That the said company, its successors and assigns, be permitted, without let or hindrance from the said municipality, its successors or assigns, to construct, maintain, complete and operate, and from time to time remove, change and repair as required a single iron or steel railway with the necessary sidetracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, over, along and upon the following streets, roads and highways within the said municipality, namely:—(*a*) Concession A or Queen street produced from the westerly limit of this municipality to the easterly limit of Blantyre avenue; (*b*) Blantyre avenue from its intersection with concession A or Queen street northerly to its intersection with Gerrard street; (*c*) Gerrard street from the westerly limit of this municipality to the easterly limit of Blantyre avenue; (*d*) the side line between lots 32 and 33 in concession A from its southerly termination at the boundary line of this municipality northerly to the northerly limit of the road between concessions A and B, and known as Danforth road; (*e*) the Danforth road from the said easterly limit of the said side line between lots 32 and 33 aforesaid to the westerly limit of this municipality.

2. That the said company, its successors and assigns, shall have the right and privilege within the said municipality to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same, as hereinafter provided, through, under and along the streets, roads and highways aforesaid, and through, under and along such other parts of the said municipality as the council thereof may from time to time by by-law authorize, subject always to the terms and conditions of this agreement so far as the same are applicable.

3. That the said railway or tramway, and the said works for the production and distribution of electricity and all works, plant and appliances connected therewith, shall be of approved material and construction, and shall be made and constructed in a substantial manner and according to the best modern practice, and the same shall be worked and carried on under such regulations as may be necessary for the protection of the inhabitants of the said municipality and of the public generally.

4. The roadway, track and rails of the said railway or tramway shall be located and constructed on and along such portion or portions of the said streets, roads and highways as shall be determined by the said municipality before the construction of the said railway or tramway shall be commenced.

5. All the space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair, and the said roads shall be maintained flush, so far as practicable, with the rails of the said railway or tramway by the said company, its successors or assigns, who shall also be bound to construct and keep in repair crossings of a character approved of by the said municipality within the limits aforesaid at the intersection of the said railway or tramway track with all cross-streets, lanes and highways now or hereafter opened, and such other portions of the said railway as may be ordered by the said municipality, and whenever bridges, culverts or waterways are found to be necessary for drainage or other purposes, the same shall be constructed in a manner to be approved of by the said municipality.

6. All tracks and turnouts shall conform to the grades of the said streets, roads and highways, unless otherwise determined by the said municipality, and the said company shall not in any way change or alter the same except with the approval of the said municipality.

7. The location of the line of the said railway on the said streets, roads and highways shall not be made until the plans thereof, showing the position of the rails and other works on the said streets, roads or highways, shall have been submitted to and approved of by the said municipality.

8. That the said municipality shall have the right to take up any part of the streets, roads or highways traversed by the rails of the said railway, either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side-crossings, or for laying down or repairing gas or water-pipes, and for all other purposes within the province and privilege of the said municipality, without the company, its successors or assigns being entitled to any compensation for any damages occasioned to the working of the said railway or tramway or works connected therewith, and such alterations or repairs shall be made in such a way as to interfere as little as possible with the convenient working of the said railway or tramway.

9. The rails to be used by the said company, its successors and assigns, shall be the ordinary flanged T-shaped rails, and the cars and motors to be used on the said railway shall be of an approved modern design.

10. All persons using the said road shall be at liberty to travel upon any portion of the travelled roadway occupied by the said railway or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the said highways, it being provided, however, that the cars and motors of the said company, its successors or assigns, have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any cars or motors of the said company, its successors or assigns, so as to give them full right of way.

11. The said railway or tramway and the works hereinbefore mentioned shall not be opened or put in operation until the sanction of the said municipality has been obtained and certified in writing.

12. The company, its successors or assigns, shall run at least two cars each morning and evening on a regular time-table, at such hours as will best meet the wants of the residents and the general public.

13. In case the electric motors or cars used by the said company, its successors or assigns, in operating the said railway, whilst passing along the said railway or tramway shall cause alarm to any horse or horses travelling or being upon the said road with vehicle or otherwise, the motors or cars of the said company shall, if necessary, be stopped to enable or allow the horse or horses so alarmed to pass, and the servants of the said company shall on request assist the person or persons driving, riding or in charge of the horse or horses that may be alarmed as aforesaid so as to prevent accident or injury to persons or to horses, vehicles or other property of persons travelling, using or being upon said roadway.

14. The maximum rate of speed at which the cars or motors of the said company shall run or travel shall be determined from time to time by the said municipality.

15. The conductors on the cars or motors of the said company shall announce to the passengers the names of the stations, streets, highways and public squares as the motors or cars reach them, and the said company shall cause a gong or bell connected with or upon the said cars or motors to be sounded or rung on approaching crossings and at such other places and times as may be determined by the said municipality.

16. When the accumulation of snow or ice is sufficient to impede the running of the cars the company shall remove the same, and when the snow is removed from the track the company shall slant down the same on the roadway so as to be convenient to the travelling public, to the satisfaction of the said municipality.

17. The company, its successors and assigns, shall be liable for all damage occasioned by the existence of the rails or by the running of the cars of the said company upon the said highways, and the said company, its successors or assigns, shall hold the said municipality in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recoverable against the said municipality in respect of any claim for any such damage ; provided however that the company, its successors or assigns, shall have been notified by the said municipality upon any such claim having been made.

18. Should the company, its successors or assigns, neglect to keep its track, road, crossings or ballasting in good condition according to the terms of this agreement, or to have the necessary repairs according to the terms of this agreement made thereon, the said municipality may give notice requiring such repairs to be made forthwith, and if after such notification given requiring such repairs to be made, the said company, its successors or assigns, do not within one week begin and carry to completion such repairs with all reasonable diligence, the said municipality shall be at liberty to place the said highways in a proper state of repair at the expense of the said company, its successors or assigns, the said company for itself its successors and assigns hereby agreeing to pay for such work on demand.

19. The rights and privileges granted by this agreement shall extend over a period of twenty years from the date hereof, renewable upon such terms and conditions as may be agreed upon between the said municipality and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, or the said railway and the said electric lighting system and the real

and personal property connected therewith may be assumed by the said municipality as provided by *The Street Railway Act*, but in estimating the value of the said real and personal property the rights and privileges herein granted by the said municipality shall not be considered assets of the said company.

20. No motive power other than electricity shall be used by the said company except with the approval of the said municipality,

21. That the company, its successors or assigns, shall be subject to all by-laws and parts of by-laws of the said municipality now in force or that may hereafter be passed in respect to streets, roads and highways in so far as practicable.

22. Provided always and it is hereby agreed by and between the said municipality and the said company, their successors and assigns, that the said company shall commence the construction of the said railway or tramway not later than eighteen months from the date of this agreement, and shall complete the same within three years from the said date, but the time for the completion of certain sections of the said railway may be extended by the said municipality upon good cause for such extension of time being shown.

23. The fares to be charged by the said company shall not exceed a rate per mile of three cents for each adult and one and one-half cents for each child under twelve years of age, but the said company shall not be obliged to carry any adult passenger any distance for less than five cents, nor any child of the age aforesaid for less than three cents, but between the hours of eleven o'clock in the evening and six o'clock in the morning the said company shall have the right to charge double the said fares.

24. It is expressly understood and agreed by and between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the said municipality has power to give, and if it shall be held by any court of competent jurisdiction that the said municipality has not power to give the permission or franchise hereby assumed to be given, this indenture shall thereupon be null and void and of no effect.

25. And the said company for itself, its successors and assigns covenants and agrees with the said municipality its successors and assigns that the said company will forever hold harmless and indemnify the said municipality, its successors and assigns for all damages, costs and charges arising out of or in consequence of or in connection with the prosecution or defence of any suit, action or proceeding that may be undertaken at the instance of the said company or its assigns for the purpose of ascertaining or declaring what power may be possessed by the said municipality to give an exclusive or

other right to erect or maintain tracks or railways on the said roads and highways in this indenture referred to, or in any manner calling in question any rights given or arising out of or intended to be given or to arise out of this indenture, and the said municipality hereby agrees to prosecute or defend in the name of the said municipality any action under this section which the said company or its assigns may deem advisable in its interests to be prosecuted or defended. Provided that before the said municipality shall be bound to enter upon any such prosecution or defence the the said company or its assigns shall give such security as may be approved of by the said municipality for the performance and fulfilment and indemnification provided for by this section.

26. It is hereby agreed by and between the parties hereto, for themselves, their successors and assigns, that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the said municipality or by any committee thereof authorized to make such appointment, and the services of any professional officer appointed by virtue hereof shall be paid for by the said company.

In witness whereof the said municipality, being the corporation of the township of Scarboro', has hereunto affixed its corporate seal by the hands of the reeve and clerk of the said township, and the said company, The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited) has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

JOHN RICHARDSON,
Reeve.

{ L.S. }

THOS. CRAWFORD,
Clerk.

JOHN HALLAM,
Vice-President.

{ L.S. }

A. W. DINGMAN,
Secretary.

Signed, sealed, executed and delivered in the presence of

SCHEDULE "B."

(*Section 28.*)

The Toronto and Scarboro' Eleectric Railway, Light and Power Company's Office.

No.

Engineer's Department, *A.D. 189*

Certificate to be attached to cheques drawn on The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited) Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign :—

I, *A.B.*, chief engineer of The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of . (*Here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE "C."

(*Section 40.*)

Know all men by these presents that I (*or* we) (*insert the name of the vendor or vendors*), in consideration of dollars paid to me (*or* us) by The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or*

certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), their successors and assigns for ever (*here insert any other clauses or conditions and covenants required*), and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 189

Signed, sealed and delivered in the presence of }

[L. S.]

No. 42.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Toronto and Scarboro' Electric Railway, Light and Power Company (Limited.)

First Reading, 1893.

(Private Bill.)

Mr. SMITH (York.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 42.] **BILL.** [1893.

An Act respecting The Toronto and Scarboro' Electric Railway Light and Power Company (Limited).

Preamble.

WHEREAS a petition has been presented by The Toronto and Scarboro' Electric Railway Light and Power Company (Limited), praying that an Act may be passed confirming four certain municipal by-laws and four certain indentures mentioned in Schedule "A" to this Act and also granting certain *additional* powers to the said company; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-laws and agreements confirmed.

1. The several by-laws and agreements mentioned in the Schedule "A" to this Act are hereby ratified and confirmed and declared to be within the powers of the parties thereto, and to be valid and binding for all purposes whatsoever; provided always, that as to so much of the Kingston road as lies and is situate within the present limits of the city of Toronto, the said by-law of the county of York and the said agreement between the corporation of the said county and the company are ratified and confirmed and declared to be binding as aforesaid, only so far as to give to the company all rights and powers which the county possessed and purported to give, over the said portion of said road.

Power to extend time for begining or completing work.

2. The councils of the municipalities *named in said Schedule "A"* may from time to time by resolution extend the time or times for beginning or completing the line or lines of the *street* railway of the said company, and of the works connected with the undertaking or any portion or portions of either of the same named in any of the by-laws or agreements referred to in Schedule "A" aforesaid, provided that no such extension shall be for a longer period than one year; and provided also that any such extension shall have effect and operate only with respect to such of said by-laws and agreements as have been made or entered into by or on behalf of the municipality whose council grants or gives the extension.

Capital Stock

3. The directors of the said company are hereby authorized to increase, from time to time as occasion may require, the capital stock of the company, but the capital stock of the company shall not exceed in the whole, the sum of $500,000,

to be divided into shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized and the remainder of such money shall be applied to the making, equipping and working of the said street railway and to the purposes of the company and of this Act; provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy, at any meeting of the company specially called for that purpose, shall be first had and obtained.

Annual general meetings.

4. The general annual meeting of the shareholders of the said company shall be held at the head office of the company or elsewhere as the directors of the company may deem convenient, on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall, be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the county of York during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

5. Special general meetings of the shareholders of the said company shall be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Power to issue bonds or debentures

6. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 foreach mile of the said street railway and the provisions of sub-sections 20 (except as hereinafter provided), 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as said section is amended by chapter 45 of the statutes passed in the 53rd year of Her Majesty's reign, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections, but the words "but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work" contained in article (c) of said sub-section 20 shall not apply to this Act.

Rev. Stat. c. 170.

Mortgaging bonds for advances.

7. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said *street* railway.

Acquiring land for parks.

8. The said company shall also have power to acquire and hold any lands or premises or any estate or interest therein for park or pleasure grounds and for no other purpose, within the limits of the township of York, the village of East Toronto or the township of Scarboro'; and the said company is authorized to improve and lay out such lands or premises for parks and places of public resort, and to mortgage or lease the said lands or premises or any portion thereof as they may think expedient, and to sell from time to time such portions of such lands as they may deem unnecessary for the said purposes; provided always that the lands to be held as aforesaid, shall not exceed three hundred acres *in all*, and not more than one hundred acres in one *municipality*, and it is hereby declared that the lands or premises, estate or interest therein which may be acquired by the company under the provisions of this section shall not be property which the municipalities or any of them shall be bound to acquire, if the real and personal property of the company is taken over as provided in any of the agreements in Schedule " A " hereto aforesaid; provided moreover that the company shall not under this clause have power to acquire any lands after the lapse of seven years from the passing of this Act; and provided also that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company; and provided likewise that the company shall not have power to acquire or hold any such lands or premises, or any estate or interest therein, within any municipality, unless the council of such municipality has by by-law consented to and authorized the same.

Acquiring land for stations, gravel-pits, etc.

9. Whenever it shall be necessary for the purpose of securing sufficient lands for stations or gravel pits, or for constructing, maintaining, and using the said *street* railway, and in case by purchasing the whole of any lot or parcel of land over which the *street* railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the *street* railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separate from their *street* railway, and may sell or convey the same or any part thereof, from time to time, as they may deem exepdient.

Telegraph and telephone lines.

10. The said company may also construct telegraph and telephone lines in connection with their *street* railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that the said telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Agreements with other companies for leasing or hiring rolling stock.

11. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other *street railway* company or *street railway* companies, (if lawfully authorized to enter into such agreements), person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person, for such time or times, and on such terms as may be agreed upon; and also to enter into agreements with any *street* railway company or *street railway* companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise, as may be agreed upon.

Agreement with electric light company.

12. The said company shall have power to enter into any agreement or agreements with any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which *electricity* may be required by the said company.

Power to make certain payments in stock.

13. The said directors may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant, rolling stock, buildings or lands connected with the said street railway and the said undertaking, and any agreement so made shall be binding on the company.

Power to contract for construction and equipment of line.

14. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line, or of the undertaking or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or in bonds or in paid up stock as may be deemed expedient; provided that no such contract shall be of any force or validity until approved of by two thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Rights of aliens.

15. All the shareholders in the said company whether British subjects or aliens, or residents in Canada or elsewhere, have and shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Transfer of stock.

16. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

17. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in schedule "B" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. Conveyance of lands to the company.

SCHEDULE "A."

(*Section 1.*)

1. By-law No. 636, of the Municipal Council of the Corporation of the County of York.

2. By-law No. 1,377, of the Municipal Council of the Corporation of the Township of York.

3. By-law No. 139, of the Municipal Council of the Corporation of the Village of East Toronto.

4. By-law No. 539, of the Municipal Council of the Corporation of the Township of Scarborough.

5. This indenture made in duplicate the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety-two, between the Corporation of the County of York, hereinafter called the Municipality of the first part, and the Toronto and Scarboro' Electric Railway, Light and Power Company (Limited) hereinafter called the Company of the second part.

Whereas certain persons were by letters patent under the great seal of the Province of Ontario, bearing date the eighteenth day of August, 1892, incorporated as a body, *corporate* and politic, for the purposes therein mentioned, by the name of the Toronto and Scarboro' Electric Railway, Light and Power Company (Limited); and

Whereas the company in and by the said letters patent was among other things empowered to construct, maintain, complete and operate and from time to time remove and change as required, a double or single iron railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along the King-

ston road within the municipality of the county of York, as the council of the said municipality may by by-law authorize, and to take, transport and carry passengers and freight upon the same, and to construct and maintain all necessary works, buildings, appliances, and conveniences connected therewith, under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway and to other matters connected therewith, pursuant to the provisions of *The Street Railway Act*, being chapter 171 of the Revised Statutes of Ontario, 1887; and

Whereas the said company in and by the said letters patent was among other things further empowered to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the Kingston road within the said municipality, subject to such agreement in respect thereof as shall be made between the said company and the said municipality, pursuant to the provisions of the *Act respecting Companies for Steam and Heating or for supplying electricity for Light, Heat or Power*, being chapter 165 of the Revised Statutes of Ontario, 1887, and

Whereas in and by the said letters patent and pursuant to the provisions of the said Acts and of *The Municipal Act* the council of the said municipality is authorized to pass by-laws and to make and enter into any agreements or covenants relating to the construction and maintenance of railways or tramways, and to the production, sale and distribution of electricity over, upon and along the said Kingston road within the said municipality on such terms and conditions as may be necessary for the safety and convenience of the public, and

Whereas the said company has petitioned the council of the said municipality to sanction the construction and operation by the said company of an electric railway or tramway and the necessary works for the production, sale and distribution of electricity over, along and upon the said Kingston road within the said municipality, and has asked that certain other privileges and immunities should be granted to the said company, its successors and assigns, and

Whereas the said company has proposed to construct and operate such electric railway and the said works for the production, sale and distribution of electricity over, along and upon the said Kingston road within the said municipality, and is desirous of obtaining the necessary permission so to do, and

Whereas the parties hereto of the first part being the corporation of the county of York are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said municipality and the said company in pursuance of all the powers in that behalf enabling them so to do have covenanted and agreed, and by these presents do for themselves their successors and assigns covenant and agree each with the other of them as follows:—

1. That the said company, its successors and assigns be permitted without let or hindrance from the said municipality, its successors or assigns to construct, maintain, complete and operate and from time to time remove, change and repair as required, an iron or steel single railway track with the necessary side-tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, over, along and upon the Kingston road from its westerly termination at the north limit of Queen street in the city of Toronto, or so far westerly on the *said* Kingston road as this municipality can grant such rights and privileges, easterly along the said Kingston road to the easterly limit of this municipality.

2. That the said company, its successors and assigns, shall have the right and privilege, but not the exclusive right or privilege, so far as the said municipality can legally grant the same, to construct, maintain, complete and operate works for the sale and distribution of electricity for purposes of light, heat and power, and to conduct the same as hereinafter provided, through, under and along the portion of the Kingston road aforesaid, subject always to the terms and conditions of this agreement.

3. That the said railway or tramway and the said works for the distribution of electricity and all works, plant and appliances connected therewith shall be of approved material and construction, and shall be made and constructed in a substantial manner, according to the best modern practice and to the satisfaction of the said municipality, and the same shall be worked and carried on under such regulations as may be considered necessary by the said municipality for the protection of the inhabitants of the said municipality and of the public generally.

4. The roadway track and rails of the said railway or tramway shall be located and constructed on and along such portion or portions of the said Kingston road as shall be determined by the said municipality before the construction of the said railway or tramway shall be commenced.

5. All the space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair and planked where directed by the said municipality, and the said road shall be maintained flush so far as practicable with the rails of the said railway or tramway by the said company, its successors or assigns, to the satisfaction of the said municipality,

and the said company, its successors or assigns, shall also be bound to construct and keep in repair crossings of a character approved of by the said municipality within the limits aforesaid at the intersection of the said railway or tramway track with all cross-streets or highways now or hereafter opened, and such other places as may be directed by the said municipality, and whenever bridges, culverts or waterways are found to be necessary for drainage or other purposes, the same shall be constructed in a manner to be approved of by the said municipality.

6. All tracks and turnouts shall conform to the grades of the said Kingston road unless otherwise determined by the said municipality, and the said company shall not in any way change or alter the same, except with the approval of the said municipality.

7. The location of the line of the said railway on the said Kingston road shall not be made until the plans thereof showing the position of the rails, switches, turnouts and other works on the said road shall have been submitted to and approved of by the said municipality, and the line of the said railway shall not deviate from the line of the said Kingston road within the said municipality as it at present or may hereafter exist.

8. That the said municipality shall have the right to take up any part of the said portion of the said Kingston road traversed by the rails of the said railway, either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side-crossings, or for laying down or repairing gas or water-pipes, and for all other purposes within the province and privilege of the municipal corporation of the county of York, without the company, its successors or assigns being entitled to any compensation for damages occassioned to the work of the said railway or tramway or works connected therewith, and such alterations or repairs shall be made in such a way as to interfere as little as possible with the convenient working of the said railway or tramway.

9. The rails to be used by the said company, its successors and assigns, shall be the ordinary flanged T-shaped rails, and the cars and motors to be used on the said railway shall be of an approved modern design.

10. All persons using the said portion of the said Kingston road shall be at liberty to travel upon any portion of the travelled roadway occupied by the said railway or tramway, and in the same manner as upon other portions of the said highway, and vehicles of every description are to be allowed upon such portion of the said highway, it being provided, however, that the cars of the said company, its successors or assigns have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall

turn out upon meeting or being overtaken by any cars of the said company, its successors or assigns so as to give them full right of way.

11. The said railway or tramway and the works hereinbefore mentioned shall not be opened or put in operation until the sanction of the said municipality has been obtained and certified in writing.

12. The company, it successors or assigns, shall run at least two cars each way morning and evening on a regular time-table at such hours as will best meet the wants of the residents and the public generally.

13. In case the electric motors or cars used by the company its successors or assigns in operating the said railway, whilst passing along the said railway or tramway shall cause alarm to any horse or horses, travelling or being upon the said road with vehicle or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable or allow the horse or horses so alarmed to pass, and the servants of the said company shall on request assist the person or persons driving, riding, or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to persons, or to horses, vehicles, or other property of persons travelling using, or being upon the said roadway.

14. The maximum rate of speed at which the cars or motors of the said company shall run or travel shall be determined from time to time by the said municipality.

15. The conductors on the cars or motors of the said company shall announce to the passengers the names of the stations, streets, highways and public squares as the cars or motors reach them, and the said company shall cause a gong or bell connected with or upon the said cars or motors to be sounded or rung on approaching crossings and at such other places and times as may be determined by the said municipality.

16. When the accumulation of snow or ice is sufficient to impede the running of the cars the company shall remove the same, and when the snow is removed from the track the company shall slant down the same on the roadway so as to be convenient to the travelling public to the satisfaction of the said municipality.

17. The company, its successors or assigns, shall be liable for all damage occasioned by the existence of the rails, or by the running of the cars of the company upon the said highway, and the said company, its successors or assigns, shall hold the said municipality in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recoverable against the said municipality in respect of any claim for any such damage; provided, however, that the company, its successors or assigns,

shall have been notified by the said municipality upon any such claim having been made.

18. Should the company, its successors or assigns, neglect to keep the track or road crossings or ballasting in good condition, according to the terms of this agreement, or to have the necessary repairs, crossings, ballasting or planking according to this agreement made thereon, the said municipality may give notice requiring such repairs, crossings, ballasting or planking to be made forthwith, and if after such notification given requiring such repairs, crossings, ballasting or planking to be made, the said company, its successors or assigns, do not within one week begin and carry to completion such repairs, crossings, ballasting or planking, with all reasonable diligence, the said municipality shall be at liberty to place the said highway in a proper state of repair, and to construct and carry to completion such crossings, ballasting and planking at the expense of the said company, its successors or assigns, the said company, for itself, its successors and assigns hereby agreeing to pay for such work on demand.

19. The rights and privileges granted by this agreement shall extend over a period of twenty years from the date hereof, renewable upon such terms and conditions as may be agreed upon between the said municipality and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, or the said electric railway and the said electric lighting system and the real and personal property connected therewith may be assumed by the said municipality as provided by *The Street Railway Act*, but in estimating the value of the said real and personal property the rights and privileges herein granted by the said municipality shall not be considered assets of the said company.

20. No motive power other than electricity shall be used by the said company except with the approval of the said municipality.

21. That the company, its successors or assigns, shall be subject to all by-laws of the said municipality now in force or that may hereafter be passed in respect to streets, roads and highways in so far as practicable.

22. Provided always and it is hereby agreed by and between the said municipality and the said company, their successors or assigns, that the said company shall commence the construction of the said railway within two years from the date hereof, and shall complete the said railway to a distance of at least two miles within three years from the date hereof, and in default therein the company shall forfeit the rights and privileges obtained by virtue hereof, and the said company shall extend the said railway along the said Kings-

ton road to the Grand Trunk railway crossing within seven years from the date hereof, and in default therein the rights and privileges hereby granted shall expire in ten years from the date hereof, and not in twenty years as provided in paragraph 19 of this agreement, but in other respects the terms and provisions of the said paragraph 19 shall remain and have effect.

23. The fares to be charged by the said company shall not exceed a rate per mile of two cents for each adult and one and one-half cents for each child under twelve years of age, but the said company shall not be bound to carry any adult passenger any distance for less than five cents, or any child of the age aforesaid for less than three cents, and between the hours of eleven o'clock in the afternoon and six o'clock in the forenoon the said company shall have the right to charge double the said fares.

24. It is expressly understood and agreed by and between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the corporation of the county of York has power to give, and if it shall be held by any court of competent jurisdiction that the said corporation of the county of York has not power to give the permission or franchise hereby assumed to be given this indenture shall thereupon be null and void and of no effect.

25. And the said company, for itself, its successors and assigns, covenants and agrees with the said municipality, its successors and assigns, that the said company will for ever hold harmless and indemnify the said municipality, its successors and assigns, from all damages, costs and charges arising out of, or in consequence of, or in connection with the prosecution or defence of any suit, action, or proceeding that may be undertaken at the instance of the said company or its assigns for the purpose of ascertaining or declaring what powers may be possessed by the said municipality to give an exclusive or other right to erect or maintain tracks or railways on the portion of the said Kingston road in this indenture referred to, or in any manner calling in question any rights given or arising out of or intended to be given or to arise out of this indenture, and the said municipality hereby agrees to prosecute or defend in the name of the said municipality any action under this section which the said company or its assigns may deem advisable in its interests to be prosecuted or defended; provided that before the said municipality shall be bound to enter upon any such prosecution or defence the said company or its assigns shall give such security as may be approved of by the said municipality for the performance and fulfilment and indemnification provided for by this section.

26. Until the removal of toll charges from the said portion of the Kingston road the said company, its successors or assigns, shall pay to the said municipality, its successors or

assigns, from and after the date of the opening of the said railway an annual charge or license fee at the rate of one hundred dollars per annum for the use of the said highway, and the said charge or license fee shall be in lieu of toll or toll charges for the use of the said portion of the said Kingston road.

27. It is hereby agreed by and between the parties hereto for themselves, their successors and assigns that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the county council of the county of York, or by any committee thereof authorized to make such appointment, and the services of any professional officer appointed by virtue hereof shall be paid for by the said company.

In witness whereof, the said municipality being the corporation of the county of York, has hereunto affixed its corporate seal by the hands of the warden and clerk of the said county, and the said company, The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited) has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

Signed, sealed, executed and delivered in the presence of
THOS. A. ROWAN.

A. FORSTER, Warden C. Y. { L.S. }
GEO. EAKIN, Clerk, C. Y.
JOHN HALLAM, Vice-President. { L.S. }
A. W. DINGMAN, Secretary.

This indenture made in duplicate the sixth day of February, one thousand eight hundred and ninety-three, between the corporation of the Township of York, hereinafter called the municipality of the first part, and The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), hereinafter called the company of the second part.

Whereas, certain persons were by letters patent under the great seal of the province of Ontario, bearing date the eighteenth day of August, A.D., 1892, incorporated as a body corporate and politic, for the purposes therein mentioned, by the name of "The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited)," and

Whereas, the said company in and by the said letters patent was among other things empowered to construct, maintain, complete and operate and from time to time remove and change as required a double or single iron railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways within the said municipality as the council thereof may by by-law authorize and to take, transport and carry passengers and freight upon the same and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway and to other matters connected therewith pursuant to the provisions of *The Street Railway Act*, being chapter 171 of the Revised Statutes of Ontario, 1887, and

Whereas, in and by the said letters patent and pursuant to the provisions of the said Acts and of *The Municipal Act* the council of the said municipality is authorized to pass by-laws and to make and enter into any agreements or covenants relating to the constructing and maintenance of railways and tramways over, along and upon the streets or highways within the said municipality on such terms and conditions as may be necessary for the safety and convenience of the public; and

Whereas, the said company have petitioned the council of the said municipality to sanction the construction and operation by the said company of an electric railway or tramway and the necessary works connected therewith over, along and upon certain streets and highways which are owned by the said municipality, which said streets and highways are hereinafter particularly defined, and have asked that certain other privileges and immunities should be granted to the said company, their successors and assigns; and

Whereas the company have proposed to construct and operate such electric railway and the said works over, along and upon the said streets and highways and are desirous of obtaining the necessary permission so to do; and

Whereas, the parties hereto of the first part being the corporation of the township of York are willing to grant such permission upon the terms and conditions hereinafter set forth and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said municipality and the said company in pursuance of all the powers in that behalf enabling them so to do have covenanted and agreed and by these presents do for themselves, their successors and assigns, covenant and agree each with the other of them as follows:—

1. That the said company, their successors and assigns, be permitted without let or hindrance from the said municipality, its

successors or assigns, to construct, maintain, complete and operate and from time to time remove, change and repair as required an iron or steel railway track or tracks with the necessary side-tracks, switches and turnouts for the passage of cars and other vehicles adapted to the same over, along and upon the following streets, roads and highways within the said municipality, namely :—

(*a*) The original allowance for a road between the first concession from the bay and the broken front thereof (designated as Queen street east) from its intersection with the westerly limit of the township of Scarboro' to its intersection with the easterly limit of the village of East Toronto.

(*b*) Gerrard street from its intersection with the village of East Toronto to its intersection with Coxwell avenue.

(*c*) Coxwell avenue from its intersection with the northerly limit of Gerrard street southerly to a point where the southerly limit of Gerrard street east at the east limit of the city of Toronto would if produced intersect Coxwell avenue.

(*d*) The original allowance for a road between the first and second concessions from the bay in the township of York known as Danforth road from its intersection with the westerly limit of the township of Scarboro' to its intersection with the easterly limit of the village of East Toronto and from its intersection with the westerly limit of the village of East Toronto to its intersection with the easterly limit of the city of Toronto.

(*e*) The production northerly of Greenwood's side line from its intersection with the northerly limit of the Danforth road, township of York, to its intersection with the northerly limit of Salmon avenue in so far as the municipality has power to grant the same.

(*f*) Salmon avenue from its intersection with the easterly limit of Greenwood's side line produced to its intersection with the westerly limit of Leslie street.

(*g*) Leslie street from its intersection with the southerly limit of Salmon avenue to its intersection with the northerly limit of the Don Mills road.

(*h*) The Don Mills road from its intersection with the easterly limit of Leslie street to its intersection with the northerly limit of the city of Toronto.

2. That the said railway or tramway shall be of approved material and construction and shall be made in a substantial manner and according to the best modern practice in use and to the satisfaction of the said municipality and their engineer for the time being and the same shall be worked and carried on under such regulations as may be necessary for the protection of the inhabitants of the said municipality and of the public generally.

3. The roadway, track and rails of the said railway or tramway shall, subject to the proviso hereinafter contained, be located and constructed on one side only of the said streets, roads and highways and the side upon which the same shall be located and the location of the rails shall be determined by the said municipality and their engineer before the construction of the said railway or tramway shall be commenced. Provided, however, that after the expiration of the period of twenty years the said company shall if required by the said municipality remove their said track or any part thereof to the centre of the graded portion of the highway if the company, their successors or assigns, continue to own and operate the said railway.

4. Wherever the railway or tramway is constructed upon the centre or any part of the graded portion of the roadway all the space between the rails and at least one foot six inches immediately adjoining the outside of each rail as directed by the township engineer shall be substantially and properly filled with macadam and shall be kept in a good state of repair and the said macadam shall be maintained flush with the rails of the said railway or tramway by the said company, their successors and assigns, who shall also be bound to construct and keep in good repair crossings of a character approved of by the said municipality and their engineer within the limits aforesaid. At the intersection of the said railway or tramway track with all cross-streets or highways now or hereafter opened, fender planks shall be used and whenever bridges, culverts or waterways are found necessary for drainage or other purposes the same shall be constructed in a manner to be approved of by the said municipality and their engineer and that in the construction of the said railway the said company, their successors or assigns, shall cause the ties to be laid on a good sand and gravel ballast of four inches in depth and the space between the ties to be filled to the top of the same with good select gravel and the space between the rails and at least one foot six inches immediately adjoining the outside of each rail as directed by the township engineer to be filled with macadam with a crown of two inches at centre above the top of the rails of the said railway or tramway.

5. All the tracks and turnouts shall conform to the grades of the said streets, roads and highways unless otherwise determined by the said municipality and their engineer and the said company shall not in any way change or alter the same except with the approval of the said municipality and its engineer.

6 The location of the line of railway on the streets or highways shall not be made until the plans thereof showing the position of the rails and other works on the said streets or highways shall have been submitted to and approved of by the said municipality and engineer.

7. That the said municipality shall have the right to take up any part of the streets or highways traversed by the rails of the said railway either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side crossings or for laying down or repairing gas or water pipes and for all other purposes within the province and privilege of a municipal corporation without the company, their successors or assigns, being entitled to any compensation for damages occasioned to the working of the said railway or tramway or works connected therewith and such alterations and repairs shall be made in such a manner as to interfere as little as possible with the convenient working of the said railway or tramway and the said company shall attend to and take care of their track and other property during such repairs without being entitled to make any charge or receive any compensation for so doing.

8. The rails to be used by the said company, their successors and assigns, shall be the ordinary T-shaped rails and the cars and motors to be used on the said railway shall be of an approved modern design.

9. All persons using the said road or highway shall be at liberty to travel upon any portion of the said travelled roadway occupied by the said railway or tramway and in the same manner as upon other portions of the said highway and vehicles of every description are to be allowed upon such portion of the said highway, it being provided, however, that the cars of the said company, their successors and assigns, have the first right of way over the said railway or tramway and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

10. The said railway or tramway shall not be commenced opened or put in operation until the sanction of the council of the said municipality and their engineer has been obtained by the enactment of a special resolution to that effect and such sanction may be granted by a certificate from the township engineer declaring the said railway or tramway to be in good condition and constructed conformable with the conditions prescribed in this agreement in that behalf and specifications to be furnished.

11. The company, their successors or assigns, shall run at least two cars each way, morning and evening on a regular time-table at such times as will best meet the wants of the residents and the general public.

12. In case the electric motor or car used by the said company their successors or assigns in operating the said road, whilst passing along the said railway or tramway shall cause alarm to any horse or other animal travelling or being upon

the said road with vehicle or otherwise, the motors or cars of the said company shall if it appears necessary be stopped to enable the horse or other animal so alarmed to pass the said motor and the servants of the said company shall in case of apparent danger assist the person or persons driving, riding or in charge of the horse or horses or other animals that may be alarmed as aforesaid, so as to prevent accident or injury to any person or persons, horse or horses, vehicle or other property of persons travelling using or upon said roadway. So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway the speed of the cars may be increased, not however, to exceed when on the public highway, at any time such rate of speed as shall be determined from time to time by the said municipality.

13. The conductors on the cars of the said company shall announce to the passengers the names of the stations, streets and highways and public squares as the cars or motors reach them. And the said company shall cause a gong or bell connected with or upon said cars or motors to be sounded or rung in approaching crossings and at such other times and places as may be determined by the said municipality.

14. For facilitating the running of the company's cars, sleighs or other conveyances may be used.

15. When the accumulation of ice or snow is in the opinion of the township engineer or the said council, sufficient to impede the running of the cars, the company shall on receiving notice from him or them remove the same or provide sleighs or other conveyances as provided in the preceding section, and when the snow is removed from the track the company shall level down the snow on the roadway so as to be convenient for the travelling public to the satisfaction of the said engineer.

16. The company, their successors or assigns shall be liable for all damages occasioned by the existence of the rails or cars of the said company upon the said highway, and the said company their successors or assigns shall hold the said municipality harmless in all respects in respect thereof and upon demand shall forthwith pay to the said municipality all sums payable by or recovered against the said municipality in respect of such claim ; provided however that the said company their successors or assigns shall have been notified by the said municipality upon any such claim having been made.

17. Should the company, their successors or assigns neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement the said municipality may give notice requiring such repairs to be made forthwith and if after such notification given requiring such repairs to be made, the said company, their successors or assigns do not within two weeks begin and carry to completion such repairs with all reasonable diligence the said municipality shall be at liberty to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns.

The said company, for themselves their successors or assigns, hereby agree to pay for such work on demand, and if not paid in ten days after such demand the said municipality may take possession of the road until such expenses are paid.

18. The rights and privileges granted by this agreement shall extend over a period of twenty-years from the date hereof, renewable for further periods of twenty years, renewable upon such terms and conditions as may be agreed upon between the said municipality and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, or the said railway and the real and personal property connected therewith may be assumed by the said municipality as provided by *The Street Railway Act*, but the franchise hereby granted shall not be considered as assets of the said company.

19. No motive power other than electricity shall be used by the said company except with the approval of the said municipality.

20. That the company, their successors or assigns shall be subject to all by-laws and parts of by-laws of the said municipality now in force, or that may hereafter be passed in respect to the streets, roads and highways in so far as applicable.

21. Provided always, and it is hereby agreed by and between the said municipality and the said company their successors and assigns that the said company shall commence the construction of the said railway or tramway not later than two years from the date of this agreement and shall complete the same within three years from the said date, but the time for completion of certain sections of the said railway may be extended by the said municipality upon good cause for such extension of time being shown.

22. And the said company, their successors and assigns hereby covenant and agree with the said municipality that when the construction of the said railway is commenced it shall be proceeded with continuously and with due diligence until it reaches the intersection of Danforth road and Dawes road in the said municipality affording the residents of the village of Little York (Colman P.O.) communication with the city of Toronto.

23. The fares to be charged by the said company for a single passage over the said railway to or from any point in the township of York, from or to the limits of the city of Toronto shall not exceed five cents for each passenger, provided, however, that children in arms shall be carried free of charge, but between the hours of 11.30 o'clock in the afternoon and 5 o'clock in the forenoon the said company shall have the right to charge double the said fare.

24. It is hereby agreed by and between the parties hereto for themselves, their successors and assigns, that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the council of the said municipality or by any committee thereof authorized to make such appointment subject to the approval of said municipality and the services of any professional officer appointed by virtue hereof shall be paid for by the said company when the said work is performed.

25. The company, their successors or assigns covenant and agree with the said municipality that they will build and operate continuously their said railway from the easterly limit of the city of Toronto to the intersection of the Danforth road with Dawes road at Dawes corners within twelve months from the date of the commencement of the construction of said railway or any part thereof in any municipality.

26. It is furthermore agreed that should the company, their successors or assigns fail to construct their road within the time specified within this agreement to the intersection of the Danforth road and the Dawes road at Empiringham's corner in the municipality and thereafter to continuously operate the same, all rights and privileges over all roads within the said municipality and all other privileges granted under this agreement shall become null and void as if the same had never been entered into, provided always that at the request of the said company, their successors or assigns, the above clause, condition or penalty may be altered, modified amended or waived by any by-law or by-laws passed from time to time by the said municipality, their successors or assigns and the said by-law or by-laws may at any subsequent time or times be amended, altered or repealed by the said municipality, their successors or assigns.

In witness whereof, the said municipality being the corporation of the township of York has hereunto affixed its corporate seal by the hands of the reeve and clerk of the said township, and the said company, The Toronto and Scarboro' Electric Railway Light and Power Company (Limited) has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

Signed, sealed, executed and delivered in the presence of

S. T. HUMBERSTONE.
W. A. CLARKE and A. W. DINGMAN.
W. A. WERRETT.
ADA C. CLARKSON, for signature of JOHN HALLAM.

(Sgd) S. T. HUMBERSTONE, Reeve { L. S. }

(Sgd) W. A. CLARKE, Clerk.

(Sgd) JOHN HALLAM, Vice-President.

(Sgd) A. W. DINGMAN, Secretary. { L. S. }

This indenture made in duplicate the sixteenth day of November, one thousand eight hundred and ninety-two, between the Corporation of the Village of East Toronto, hereinafter called the municipality of the first part and the Toronto and Scarboro' Electric Railway, Light and Power Company, (Limited), hereinafter called the Company of the second part.

Whereas certain persons were by letters patent under the Great Seal of the Province of Ontario, bearing date the eighteenth day of August, A.D. 1892, incorporated as a body corporate and politic for the purposes therein mentioned, by the name of "The Toronto and Scarboro' Electric Railway Light and Power Company" (Limited), and

Whereas the company in and, by the said Letters Patent was among other things empowered to construct, maintain, complete and operate and from time to time remove and change as required a double or single iron railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the streets or highways within the said municipality as the council thereof might by by-law authorize, and to take transport and carry passengers and freight upon the same and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway and to other matters connected therewith, pursuant to the provisions of *The Street Railway Act*, being Chapter 171 of the Revised Statutes of Ontario, 1887 ; and

whereas the said company in and by the said letters patent was among other things empowered to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the streets, highways and public places within the said municipality subject to such agreement in respect thereof as should be made between the said company and the said municipality pursuant to the provisions of *The Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power* being chapter 165 of the Revised Statutes of Ontario, 1887; and whereas in and by the said Letters Patent, and pursuant to the provisions of the said Acts and of *The Municipal Act* the council of the said municipality is authorized to pass by-laws and to make and enter into any agreements or covenants relating to the construction and maintenance of railways or tramways and to the production, sale and distribution of electricity, over and along the streets or highways within the said municipality on such terms and conditions as may be necessary for the safety and convenience of the public; and, whereas the said company has petitioned the council of the said municipality to sanction the con-

struction and operation by the said company of an electric railway or tramway, and the necessary works for the production, sale and distribution of electricity over, along and upon certain streets and highways within the said municipality which said streets and highways are hereinafter particularly defined, and has asked that certain other privileges and immunities should be granted to the said company, its successors and assigns; and whereas the said company has proposed to construct and operate such electric railway and the said works for the production, sale and distribution of electricity over, along and upon the said streets and highways, and is desirous of obtaining the necessary permission so to do; and whereas the party hereto of the first part being the corporation of the village of East Toronto is willing to grant such permission upon the terms and conditions hereinafter set forth and to enter into an agreement with the said company such as is hereinafter contained, now this agreement witnesseth that the said municipality and the said company in pursuance of all the powers in that behalf enabling them so to do, by these presents do for themselves, their successors and assigns respectively covenant and agree each with the other of them as follows :—

1. That the said company, its successors and assigns be permitted without let or hindrance from the said municipality, its successors and assigns to construct, maintain, complete and operate, and from time to time remove, change and repair as required an iron or steel railway track or tracks, with the necessary side-tracks, switches and turnouts for the passage of cars and other vehicles adapted to the same, over, along and upon the following streets and highways within the said municipality, namely :—

(*a*) The original allowance for a road between the first concession from the bay and the broken front thereof (known as Queen street east) from its intersection with the westerly limit of the village of East Toronto to its intersection with the easterly limit of the said village.

(*b*) Gerrard street from the easterly to the westerly limit of the said municipality.

(*c*) The original allowance for a road between the first and second concessions from the bay in the township of York (known as Danforth road) from the easterly to the westerly limit of the said municipality.

(*d*) Balsam avenue from its intersection with Queen street to its southerly termination.

2. That the said company, its successors and assigns shall have the right within the said municipality to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same as hereinafter provided,

through, under and along the streets, roads and highways aforesaid and through, under and along such other highways and parts of the said municipality as the council thereof may from time to time by by-law authorize, subject always to the terms and conditions of this agreement so far as the same are applicable.

3. That the said railway or tramway and the said works for the production and distribution of electricity and all works, plant and appliances connected therewith shall be of approved material and construction and shall be made in a substantial manner and according to the best modern practice at the time or times of construction and the same shall be worked and carried on from time to time under such regulations as may be necessary for the protection of the inhabitants of the said municipality and of the public generally.

4. The roadway, track and rails of the said railway or tramway shall be located and constructed on and along such portion or portions of the highways aforesaid as shall be determined by the said municipality and plans thereof showing the proposed position of the railway, track, rails and other works of the said railway on and along the said highways, shall be submitted to and approved of by the said municipality before the construction of the said railway or tramway shall be commenced.

5. All the space between the rails of the said railway and that part of the roadway outside of the rails to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair by the company and the said roadway shall be maintained flush (as far as practicable) with the rails of the said railway or tramway by the said company, its successors and assigns and the said company shall also be bound to construct and keep in repair crossings of a character approved of by the said municipality on the line of the said railway, within the limits of the highways above described at the intersection of the said railway or tramway track with all cross-streets or highways now open or hereafter to be opened and whenever bridges, culverts or waterways are found to be necessary by reason of the said railway for drainage or other purposes the same shall be constructed by the company in a manner to be approved of by the said municipality.

6. All the tracks and turnouts of the said railway shall conform to the grades of the said streets, roads and highways, unless otherwise determined by the said municipality and the said company shall not in any way change or alter the same except with the approval of the said *municipality.*

7. That the said municipality shall have the right to take up any part of the streets or highways traversed by the rails of the said railway either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side-crossings, for laying down or repairing gas or water-

pipes and for all other purposes within the province, power and privileges of the said municipality, and the enumeration of the foregoing purposes shall not be held to limit the municipality to such purposes or to exclude any other powers whatever of the municipality, whether of the same kind as those enumerated or otherwise, and the company, its successors, or assigns shall not be entitled to any compensation for damages occasioned thereby to the railway or to the working of the same or to the works connected therewith, and such alterations or repairs shall in all cases be made in such a way as to interfere as little as possible with the convenient working of the said railway or tramway.

8. The rails to be used by the said company, its successors and assigns shall be the ordinary flanged T-shaped rails and the cars and motors to be used on the said railway shall be of an approved modern design.

9. All persons using the said roads or highways shall be at liberty to travel on any portion of the travelled roadway occupied by the said railway or tramway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the said highways. It being provided that the cars of the said company, its successors or assigns, have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any cars or motors of the said company, its successors or assigns so as to give them full right of way.

10. The said railway or tramway and the works hereinbefore mentioned shall not be opened or put into operation until the sanction of the said municipality has been obtained and certified in writing.

11. The company, its successors or assigns shall run cars or motors according to a regular time-table, and at such hours as will best meet the wants of the residents of the municipality and the general public.

12. In case the electric motors or cars used by the company, its successors or assigns, in operating the said railway, whilst passing along the said railway or tramway shall cause alarm to any horse or horses travelling or being upon said road with vehicle or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable or allow the horse or horses so alarmed to pass the said motors or cars and the servants of the said company shall, on request, assist the person or persons driving, riding, or in charge of the horse or horses that may be alarmed as aforesaid so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway.

13. The maximum rate of speed at which the cars or motors of the said company shall run or travel shall be determined from time to time by the said municipality.

14. The conductors on the cars or motors of the said company shall announce to the passengers the names of the stations, streets, highways and public squares, as the cars or motors reach them, and a gong or bell shall be carried on every motor or train of cars in motion, and on approaching a crossing or any public or other place where warning is required, the same shall be rung or sounded in such a manner as to give due warning of the approach of the motor or train of cars.

15. When the accumulation of snow or ice is sufficient to impede the running of the cars, the company shall remove the same and when the snow is removed from the track the company shall level down the snow on the roadway so as to be convenient to the travelling public to the satisfaction of the said municipality.

16. The company, its successors or assigns shall be liable for all injury and damage occasioned by the construction of the railway, the existence of the rails or cars of the company upon the said highway, and by the working of the railway or otherwise by reason of the railway and the said company, its successors or assigns shall hold the said municipality, in all respects, harmless in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recovered against the said municipality in respect of claims for any such *injury or* damage and the said company, its successors or assigns shall always be notified without delay by the said municipality upon any such claim being made.

17. Should the company, its successors or assigns, neglect to keep its track, road, crossings, or ballasting in good condition according to the terms of this agreement or to have the necessary repairs according to this agreement made thereon, the said municipality may give notice requiring such repairs to be made forthwith, and if after such notification given requiring such repairs to be made the said company, its successors or assigns, do not within one week begin and carry to completion such repairs with all reasonable diligence the said municipality shall be at liberty to place the said highway in a proper state of repair at the expense of the said company, its successors or assigns, the said company for itself, its successors or assigns, hereby agreeing to pay for such work on demand.

18. The rights and privileges granted by this agreement shall extend over a period of twenty years from the date hereof.

19. No motive power, other than electricity, shall be used by the said company except with the approval of the said municipality, unless in the case of accident or necessity, when horses may be used for the time being.

20. The company, its successors or assigns, shall be subject to all by-laws and parts of by-laws of the said municipality now in force or that may hereafter be passed in respect to streets, roads and highways, in so far as practicable.

21. Provided always and it is hereby agreed by and between the said municipality and the said company, their successsor or assigns, that the said company shall commence the construction of the said railway or tramway not later than one year from the date of this agreement and shall complete the same within two years from the said date, but the time for the completion of certain sections of the said railway may be extended by the said municipality upon good cause for such extension of time being shown.

22. That the company shall carry passengers from any point in the said municipality to any other point within the same in one direct and continuous journey and also from any point in the said municipality to the city of Toronto at a convenient point for connection with the street car system of the Toronto Railway, in a direct and continuous journey, for the following fares or charges, namely: for each adult passenger not more than five cents, and on request the company shall issue six tickets for twenty-five cents; for each child under ten years of age not more then three cents; and children in arms shall in all cases be carried free. The company further agrees to procure or endeavor to procure a system of transfer tickets with the Toronto Railway Company and if the same be not arranged or agreed upon between the said companies the same shall be determined by arbitration pursuant to the provisions of *The Municipal Act* in that behalf.

23. It is hereby agreed by and between the parties hereto for themselves their successors and assigns that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the council of the said municipality or by any committee thereof authorized to make such appointment and the services of any professional officer appointed by virtue hereof shall be paid for by the said company.

In witness whereof the said municipality being the corporation of the village of East Toronto, has hereunto affixed its corporate seal by the hands of the chairman of finance and the clerk of the said municipality, and the said company, The Toronto and Scarboro Electric Railway, Light and Power Company (Limited), has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

Signed, sealed, executed and delivered in the presence of H. R. MORTON, as to execution by the village of East Toronto.

B. MORTON,
Chairman of Finance.
W. H. CLAY,
Clerk East Toronto. [L.S.]

THOS. A. ROWAN, as to signatures of JOHN HALLAM and A. W. DINGMAN.

JOHN HALLAM,
Vice-President.
A. W. DINGMAN,
Secretary. [L.S.]

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This indenture, made in duplicate the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety-two, between the corporation of the township of Scarboro', one of the municipalities of the county of York, hereinafter called the municipality of the first part, and The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), hereinafter called the Company of the second part.

Whereas certain persons were, by letters patent under the Great Seal of the Province of Ontario, bearing date the eighteenth day of August, A.D. 1892, incorporated as a body corporate and politic, for the purposes therein mentioned, by the name of "The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited)"; and

Whereas the company in and by the said Letters Patent was among other things empowered to construct, maintain, complete and operate, and from time to time remove and change as required a double or single iron railway, with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets or highways within the said municipality as the council thereof may by by-law authorize, and to take, transport and carry passengers and freight upon the same, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith, under and subject to any agreement or agreements thereafter to be made between the said company and the said municipality relating to the construction and maintenance of the said railway, and to other matters connected therewith, pursuant to the provisions of *The Street Railway Act*, being chapter 171 of the Revised Statutes of Ontario, 1887; and

Whereas the said company, in and by the said letters patent, was, among other things, empowered to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the streets, highways and public places within the said municipality, subject to such agreement in respect thereof as shall be made between the said company and the said municipality, pursuant to the provisions of *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, being chapter 165 of the Revised Statutes of Ontario, 1887; and

Whereas in and by the said letters patent, and pursuant to the provisions of the said Acts, and of *The Municipal Act*, the council of the said municipality is authorized to pass by-laws and to make or enter into any agreements or covenants relating to the construction and maintenance of railways or tramways, and to the production, sale and distribution of electricity over, along and upon the streets or highways within the said

municipality on such terms and conditions as may be necessary for the safety and convenience of the public; and

Whereas the said company has petitioned the council of the said municipality to sanction the construction and operation by the said company of an electric railway or tramway, and the necessary works for the production, sale and distribution of electricity over, along and upon certain streets and highways within the said municipality, which said streets and highways are hereinafter particularly defined, and have asked that certain other privileges and immunities should be granted to the said company, its successors and assigns; and

Whereas the said company has proposed to construct and operate such electric railway and the said works for the production, sale and distribution of electricity over, along and upon the said streets and highways, and is desirous of obtaining the necessary permission so to do; and

Whereas the parties hereto of the first part, being the corporation of the township of Scarboro', are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said municipality and the said company, in pursuance of all the powers in that behalf enabling them so to do, have covenanted and agreed, and by these presents do for themselves, their successors and assigns, covenant and agree each with the other of them as follows:—

1. That the said company, its successors and assigns, be permitted, without let or hindrance from the said municipality, its successors or assigns, to construct, maintain, complete and operate, and from time to time remove, change and repair as required a single iron or steel railway with the necessary sidetracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, over, along and upon the following streets, roads and highways within the said municipality, namely:—(*a*) Concession A or Queen street produced from the westerly limit of this municipality to the easterly limit of Blantyre avenue; (*b*) Blantyre avenue from its intersection with concession A or Queen street northerly to its intersection with Gerrard street; (*c*) Gerrard street from the westerly limit of this municipality to the easterly limit of Blantyre avenue; (*d*) the side line between lots 32 and 33 in concession A from its southerly termination at the boundary line of this municipality northerly to the northerly limit of the road between concessions A and B, known as *the* Danforth road; (*e*) the *said* Danforth road from the said easterly limit of the said side line between lots 32 and 33 aforesaid to the westerly limit of this municipality.

2. That the said company, its successors and assigns, shall have the right and privilege within the said municipality to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light, heat and power, and to conduct the same, as hereinafter provided, through, under and along the streets, roads and highways aforesaid, and through, under and along such other parts of the said municipality as the council thereof may from time to time by by-law authorize, subject always to the terms and conditions of this agreement so far as the same are applicable.

3. That the said railway or tramway, and the said works for the production and distribution of electricity and all works, plant and appliances connected therewith, shall be of approved material and construction, and shall be made and constructed in a substantial manner and according to the best modern practice, and the same shall be worked and carried on under such regulations as may be necessary for the protection of the inhabitants of the said municipality and of the public generally.

4. The roadway, track and rails of the said railway or tramway shall be located and constructed on and along such portion or portions of the said streets, roads and highways as shall be determined by the said municipality before the construction of the said railway or tramway shall be commenced.

5. All the space between the rails of the said railway and the roadway to a distance of eighteen inches on both sides thereof shall be kept in a good state of repair, and the said roads shall be maintained flush, so far as practicable, with the rails of the said railway or tramway by the said company, its successors or assigns, who shall also be bound to construct and keep in repair crossings of a character approved of by the said municipality within the limits aforesaid at the intersection of the said railway or tramway track with all cross-streets, lanes and highways now or hereafter opened, and such other portions of the said railway as may be ordered by the said municipality, and whenever bridges, culverts or waterways are found to be necessary for drainage or other purposes, the same shall be constructed in a manner to be approved of by the said municipality.

6. All tracks and turnouts shall conform to the grades of the said streets, roads and highways, unless otherwise determined by the said municipality, and the said company shall not in any way change or alter the same except with the approval of the said municipality.

7. The location of the line of the said railway on the said streets, roads and highways shall not be made until the plans thereof, showing the position of the rails and other works on the said streets, roads or highways, shall have been submitted to and approved of by the said municipality.

8. That the said municipality shall have the right to take up any part of the streets, roads or highways traversed by the rails of the said railway, either for the purpose of altering the grade thereof, constructing and repairing of sewers, drains, culverts or side-crossings, or for laying down or repairing gas or water-pipes, and for all other purposes within the province and privilege of the said municipality, without the company, its successors or assigns being entitled to any compensation for any damages occasioned to the working of the said railway or tramway or works connected therewith, and such alterations or repairs shall be made in such a way as to interfere as little as possible with the convenient working of the said railway or tramway.

9. The rails to be used by the said company, its successors and assigns, shall be the ordinary flanged T-shaped rails, and the cars and motors to be used on the said railway shall be of an approved modern design.

10. All persons using the said road shall be at liberty to travel upon any portion of the travelled roadway occupied by the said railway or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the said highways, it being provided, however, that the cars and motors of the said company, its successors or assigns, have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any cars or motors of the said company, its successors or assigns, so as to give them full right of way.

11. The said railway or tramway and the works hereinbefore mentioned shall not be opened or put in operation until the sanction of the said municipality has been obtained and certified in writing.

12. The company, its successors or assigns, shall run at least two cars each *way* morning and evening on a regular time-table, at such hours as will best meet the wants of the residents and the general public.

13. In case the electric motors or cars used by the said company, its successors or assigns, in operating the said railway, whilst passing along the said railway or tramway shall cause alarm to any horse or horses travelling or being upon the said road with vehicle or otherwise, the motors or cars of the said company shall, if necessary, be stopped to enable or allow the horse or horses so alarmed to pass, and the servants of the said company shall on request assist the person or persons driving, riding or in charge of the horse or horses that may be alarmed as aforesaid so as to prevent accident or injury to persons or to horses, vehicles or other property of persons travelling, using or being upon said roadway.

14. The maximum rate of speed at which the cars or motors of the said company shall run or travel shall be determined from time to time by the said municipality.

15. The conductors on the cars or motors of the said company shall announce to the passengers the names of the stations, streets, highways and public squares as the motors or cars reach them, and the said company shall cause a gong or bell connected with or upon the said cars or motors to be sounded or rung on approaching crossings and at such other places and times as may be determined by the said municipality.

16. When the accumulation of snow or ice is sufficient to impede the running of the cars the company shall remove the same, and when the snow is removed from the track the company shall slant down the same on the roadway so as to be convenient to the travelling public, to the satisfaction of the said municipality.

17. The company, its successors and assigns, shall be liable for all damage occasioned by the existence of the rails or by the running of the cars of the said company upon the said highways, and the said company, its successors or assigns, shall hold the said municipality in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recoverable against the said municipality in respect of any claim for any such damage ; provided however that the company, its successors or assigns, shall have been notified by the said municipality upon any such claim having been made.

18. Should the company, its successors or assigns, neglect to keep its track, road, crossings or ballasting in good condition according to the terms of this agreement, or to have the necessary repairs according to the terms of this agreement made thereon, the said municipality may give notice requiring such repairs to be made forthwith, and if after such notification given requiring such repairs to be made, the said company, its successors or assigns, do not within one week begin and carry to completion such repairs with all reasonable diligence, the said municipality shall be at liberty to place the said highways in a proper state of repair at the expense of the said company, its successors or assigns, the said company for itself its successors and assigns hereby agreeing to pay for such work on demand.

19. The rights and privileges granted by this agreement shall extend over a period of twenty years from the date hereof, renewable upon such terms and conditions as may be agreed upon between the said municipality and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration under the provisions of *The Municipal Act*, or the said railway and the said electric lighting system and the real

and personal property connected therewith may be assumed by the said municipality as provided by *The Street Railway Act*, but in estimating the value of the said real and personal property the rights and privileges herein granted by the said municipality shall not be considered assets of the said company.

20. No motive power other than electricity shall be used by the said company except with the approval of the said municipality,

21. That the company, its successors or assigns, shall be subject to all by-laws and parts of by-laws of the said municipality now in force or that may hereafter be passed in respect to streets, roads and highways in so far as practicable.

22. Provided always and it is hereby agreed by and between the said municipality and the said company, their successors and assigns, that the said company shall commence the construction of the said railway or tramway not later than eighteen months from the date of this agreement, and shall complete the same within three years from the said date, but the time for the completion of certain sections of the said railway may be extended by the said municipality upon good cause for such extension of time being shown.

23. The fares to be charged by the said company shall not exceed a rate per mile of three cents for each adult and one and one-half cents for each child under twelve years of age, but the said company shall not be obliged to carry any adult passenger any distance for less than five cents, nor any child of the age aforesaid for less than three cents, but between the hours of eleven o'clock in the evening and six o'clock in the morning the said company shall have the right to charge double the said fares.

24. It is expressly understood and agreed by and between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the said municipality has power to give, and if it shall be held by any court of competent jurisdiction that the said municipality has not power to give the permission or franchise hereby assumed to be given, this indenture shall thereupon be null and void and of no effect.

25. And the said company for itself, its successors and assigns covenants and agrees with the said municipality its successors and assigns that the said company will forever hold harmless and indemnify the said municipality, its successors and assigns for all damages, costs and charges arising out of or in consequence of or in connection with the prosecution or defence of any suit, action or proceeding that may be undertaken at the instance of the said company or its assigns for the purpose of ascertaining or declaring what powers may be possessed by the said municipality to give an exclusive or

other right to erect or maintain tracks or railways on the said roads and highways in this indenture referred to, or in any manner calling in question any rights given or arising out of or intended to be given or to arise out of this indenture, and the said municipality hereby agrees to prosecute or defend in the name of the said municipality any action under this section which the said company or its assigns may deem advisable in its interests to be prosecuted or defended. Provided that before the said municipality shall be bound to enter upon any such prosecution or defence the the said company or its assigns shall give such security as may be approved of by the said municipality for the performance and fulfilment and indemnification provided for by this section.

26. It is hereby agreed by and between the parties hereto, for themselves, their successors and assigns, that whenever in this agreement any matter or thing is to be done or performed subject to the permission, consent, concurrence or direction of the said municipality, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the said municipality or by any committee thereof authorized to make such appointment, and the services of any professional officer appointed by virtue hereof shall be paid for by the said company.

In witness whereof the said municipality, being the corporation of the township of Scarboro', has hereunto affixed its corporate seal by the hands of the reeve and clerk of the said township, and the said company, The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited) has hereunto affixed its corporate seal by the hands of the vice-president and secretary.

JOHN RICHARDSON,
Reeve.

THOS. CRAWFORD,
Clerk.

{ L.S. }

JOHN HALLAM,
Vice-President.

A. W. DINGMAN,
Secretary.

{ L.S. }

Signed, sealed, executed and delivered in the presence of

LEVI E. ANNIS,
For the Reeve and Clerk.
THOS. A. ROWAN,
As to signatures of
JOHN HALLAM
and
A. W. DINGMAN.

SCHEDULE "B."

(Section 17.)

Know all men by these presents that I (*or* we) (*insert the name of the vendor or vendors*), in consideration of dollars paid to me (*or* us) by The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or* certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Toronto and Scarboro' Electric Railway, Light and Power Company (Limited), their successors and assigns for ever (*here insert any other clauses or conditions and covenants required*), and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 189

Signed, sealed and delivered in the presence of }

[L. S.]

No. 42.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Toronto and Scarboro' Electric Railway, Light and Power Company (Limited.)

First Reading, 14th April, 1893.

(*Reprinted as amended by Railway Committee*).

Mr. SMITH (York.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.] **BILL.** [1893.

An Act respecting the Railway Debenture Debt of the Corporation of the County of Perth.

Preamble. WHEREAS the Municipal Council of the corporation of the county of Perth has by its petition represented that under its by-law passed on the 12th day of December, in the year 1873 it has incurred a debenture debt of $40,000 in aid of the Port Dover and Lake Huron Railway Company, and of $80,000 in aid of the Stratford and Huron Railway Company amounting together to $120,000 and issued debentures for the whole of the said sum of $120,000 which debentures mature on the 12th day of December, 1893, and that the said corporation owing to other obligations has not levied any sinking fund to provide for the redemption of the said debentures; and whereas the said municipal council has by its said petition, applied for the passing of an Act to enable it to borrow $120,000 for the purpose of redeeming the said railway debentures and to issue fresh debentures of the said corporation therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow $120,000 and issue debentures therefor. **1.** The corporation of the county of Perth may borrow for the purpose of paying the said railway debentures which mature on the 12th day of December, 1893, a sum not exceeding $120,000, and may issue new debentures of the said corporation therefor and may pass a by-law providing for the issue of such debentures.

Application of proceeds of loan. **2.** The proceeds of the said loan shall be applied for the purpose of the redemption and payment of the said railway debentures and for no other purpose.

Expenses of redemption of former debentures. **3.** All charges and expenses of and incidental to the payment and redemption of the said debentures may be paid out of the proceeds of the said loan.

Description of debentures. **4.** The debentures to be issued under the authority of this Act shall be known as "The County of Perth Railway Debentures" and may be made payable in Canada or Great Britain or elsewhere, and in any currency, and shall be in sums of not less than $100, Canadian currency, or £20 sterling money of Great Britain.

Term of debentures.

5. The said debentures shall be made payable within twenty years from the 12th day of December next, and shall be signed by the warden and countersigned by the treasurer of the said corporation and shall be sealed with the corporate seal of the said corporation.

Payment of interest.

6. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four-and-a-half per centum per annum as to the council of the said corporation may seem meet, and the interest may be made payable yearly or half-yearly.

Special rate.

7. The said municipal council shall levy in each year during the said period of twenty years over and above and in addition to all other rates to be levied in each year, and over and above the interest to be paid on said debentures a sum which shall be sufficient to form a sinking fund for the purpose of payment of the principal of said debentures so to be issued.

Investment of sinking fund.

8. The said corporation shall have power to invest any money at any time standing at the credit of the sinking fund in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes and being the first lien on said real estate but not to any greater extent than two-thirds of the assessed value of the said real estate or in any other securities by any act or acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

Assent of electors not required to by-laws for issuing debentures.

9. It shall not be necessary that any by-law that may be passed for the issue of the debentures, the issue of which is authorised by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the county of Perth, in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and it shall be sufficient if said by-law be in the form in schedule "A" to this Act set forth, or to the like effect, notwithstanding the provisions of the said *Consolidated Municipal Act, 1892*, and such by-law so to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Form of by-law.

Irregularities in form not to invalidate debentures.

10. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof.

11. The purchaser, if any, of the debentures which shall be issued under the authority of this Act, shall not be bound to see to the application of his purchase money, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favor of the purchaser thereof to have been so issued. Purchaser of debentures not bound to see to application of purchase money.

12. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures. Treasurer to keep book showing state of debenture account

13. The debentures to be issued under the preceding sections of this Act may be in the form contained in schedule "B" to this act. Form of debentures.

14. This Act may be cited as *The County of Perth Railway Debenture Act, 1893*. Short title of Act.

SCHEDULE "A."

Form of By-Law.

By-law No. , to authorize the issue of $120,000 debentures under the authority of *The County of Perth Railway Debenture Act, 1893*, and to impose rates for the payment thereof.

Whereas it is necessary to raise a loan of $120,000 for the purpose of paying off and redeeming the outstanding railway debentures of the corporation of the county of Perth under the provisions of *The County of Perth Railway Debenture Act, 1893*.

And whereas it will require the sum of $ to be raised annually by special rate for the payment of the said debt of $120,000 and interest on the debentures to be issued therefor as herein provided.

And whereas the amount of the whole ratable property of the said municipality according to the last revised and equalized assessment rolls of the said municipality being for the year 189 , is $.

And whereas the amount of the existing debt of the said municipality is, including the said $120,000, for both principal and interest $.

And whereas for paying the interest upon and creating an equal yearly sinking fund for paying the principal of the said debt of $120,000 as herein mentioned will require an annual special rate of of a mill in the dollar in addition to all other rates to be levied in each year in the said municipality.

Be it therefore enacted by the municipal council of the corporation of the county of Perth, and it is hereby enacted as follows :—

1. The warden and treasurer of the said corporation are hereby authorized and directed to borrow on the credit of the said corporation under the authority of the said Act and for the purposes hereinbefore mentioned the sum of $120,000, and to issue the debentures of the said corporation for said purposes to the amount aforesaid.

2. Such debentures shall be payable in twenty years at furthest from the 12th day of December, 1893, at the office of the treasurer of the said municipality in the city of Stratford in the said county of Perth and shall have attached thereto coupons for payment of interest at the rate and in the manner herein provided.

3. The said debentures shall bear interest at the rate of per centum per annum from the date thereof, and said interest shall be made payable half-yearly on the first day of January and the first day of July during the continuance of the said debentures or any of them at the office of the treasurer aforesaid.

4. The said debentures shall be drawn in sums of not less than $100, Canadian currency, or £20 sterling money of Great Britain, and may be made payable in Canadian currency, sterling money of Great Britain, or any other currency, and shall be signed by the said warden and countersigned by the treasurer of the said municipality and sealed with the corporate seal thereof.

5. For the purposes of forming a sinking fund for the payment of the said debentures and the interest to become due thereon at the rate aforesaid an equal annual special rate of of a mill in the dollar shall in addition to all other rates be assessed, raised, levied and collected in each year

upon all the ratable property in the said municipality during the continuance of the said debentures or any of them.

6. The proceeds of the loan hereby authorized to be effected and of the debentures hereby authorized to be issued shall be applied for the purposes mentioned in the said Act and for no other purpose whatever.

7. This by-law shall take effect and come into operation forthwith after the passing thereof.

Passed in open council this day of 1893.

Warden.

Clerk.

SCHEDULE "B."

COUNTY OF PERTH RAILWAY DEBENTURES.

No.....

Province of Ontario.

County of Perth.

Under and by virtue of *The County of Perth Railway Debenture Act, 1893*, and by virtue of by-law No. of the Corporation of the County of Perth passed under the provisions contained in the said Act, the Corporation of the County of Perth promise to pay the bearer at the office of the Treasurer of the said municipality in the city of Stratford in the said county the sum of $ on the 12th day of December, A.D. 1913, and the half-yearly coupons for interest thereon attached as the same shall severally become due.

Dated at the city of Stratford, in the county of Perth, this day of A.D. 1893.

[L.S.] Warden.

Clerk.

No. 13.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Railway Debenture Debt of the County of Perth.

First Reading, 1893.

(Private Bill.)

Mr. MAGWOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.] BILL. [1893.

An Act respecting the Railway Debenture Debt of the Corporation of the County of Perth.

Preamble.

WHEREAS the Municipal Council of the corporation of the county of Perth has by petition represented that under *a* by-law passed on the 12th day of December, in the year 1873 a debenture debt of $40,000 *was incurred* in aid of the Port Dover and Lake Huron Railway Company, and of $80,000 in aid of the Stratford and Huron Railway Company amounting together to $120,000 and *that* debentures *were issued* for the whole of the said sum of $120,000 which debentures mature on the 12th day of December, 1893, and that the said corporation owing to other obligations has not levied any sinking fund to provide for the redemption of the said debentures; and whereas the said municipal council has by its said petition, applied for the passing of an Act to enable *the said corporation* to borrow $120,000 for the purpose of redeeming the said railway debentures and to issue fresh debentures of the said corporation therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow $120,000 and issue debentures therefor.

1. The corporation of the county of Perth may borrow for the purpose of paying the said railway debentures which mature on the 12th day of December, 1893, a sum not exceeding $120,000, and may issue new debentures of the said corporation therefor and may pass a by-law providing for the issue of such debentures.

Application of proceeds of loan.

2. The proceeds of the said loan shall be applied for the purpose of the redemption and payment of the said railway debentures and for no other purpose.

Expenses of redemption of former debentures.

3. All charges and expenses of and incidental to the payment and redemption of the said debentures may be paid out of the proceeds of the said loan.

Description of debentures.

4. The debentures to be issued under the authority of this Act shall be known as "The County of Perth Railway Debentures" and may be made payable in Canada or Great Britain or elsewhere, and in any currency, and shall be in sums of not less than $100, Canadian currency, or £20 sterling money of Great Britain.

Term of debentures.

5. The said debentures shall be made payable within twenty years from the 12th day of December next, and shall be signed by the warden and countersigned by the treasurer of the said corporation and shall be sealed with the corporate seal of the said corporation.

Payment of interest.

6. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four-and-a-half per centum per annum as to the council of the said corporation may seem meet, and the interest may be made payable yearly or half-yearly.

Special rate.

7. The said municipal council shall levy in each year during the said period of twenty years over and above and in addition to all other rates to be levied in each year, and over and above the interest to be paid on said debentures a sum which shall be sufficient to form a sinking fund for the purpose of payment of the principal of said debentures so to be issued.

Investment of sinking fund.

8. The said corporation shall have power to invest any money at any time standing at the credit of the sinking fund in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes and being the first lien on said real estate, but not to any greater extent than two-thirds of the assessed value of the said real estate or in any other securities by any act or acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

Assent of electors not required to by laws for issuing debentures.

9. It shall not be necessary that any by-law that may be passed for the issue of the debentures, the issue of which is authorised by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the county of Perth, in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and it shall be sufficient if said by-law be in the form in schedule "A" to this Act set forth, or to the like effect, notwithstanding the provisions of the said *Consolidated Municipal Act, 1892*, and such by-law so to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Form of by-law.

Irregularities in form not to invalidate debentures.

10. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof.

11. The purchaser, if any, of the debentures which shall be issued under the authority of this Act, shall not be bound to see to the application of his purchase money, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favor of the purchaser thereof to have been so issued. Purchaser of debentures not bound to see to application of purchase money.

12. It shall be the duty of the treasurer, from time to time, of the said *county* to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the investments which shall from time to time be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said *county*, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures. Treasurer to keep book showing state of debenture account

13. The debentures to be issued under the preceding sections of this Act may be in the form contained in schedule "B" to this act. Form of debentures.

14. This Act may be cited as *The County of Perth Railway Debenture Act, 1893.* Short title of Act.

SCHEDULE "A."

(*See Section 2.*)

FORM OF BY-LAW.

By-law No. , to authorize the issue of $120,000 debentures under the authority of *The County of Perth Railway Debenture Act, 1893*, and to impose rates for the payment thereof.

Whereas it is necessary to raise a loan of $120,000 for the purpose of paying off and redeeming the outstanding railway debentures of the corporation of the county of Perth under the provisions of *The County of Perth Railway Debenture Act, 1893.*

And whereas it will require the sum of $ to be raised annually by special rate for the payment of the said debt of $120,000 and interest on the debentures to be issued therefor as herein provided.

And whereas the amount of the whole ratable property of the said municipality according to the last revised and equalized assessment rolls of the said municipality being for the year 189 , is $.

And whereas the amount of the existing debt of the said municipality is, including the said $120,000, for both principal and interest $.

And whereas for paying the interest upon and creating an equal yearly sinking fund for paying the principal of the said debt of $120,000 as herein mentioned will require an annual special rate of of a mill in the dollar in addition to all other rates to be levied in each year in the said municipality.

Be it therefore enacted by the municipal council of the corporation of the county of Perth, and it is hereby enacted as follows :—

1. The warden and treasurer of the said corporation are hereby authorized and directed to borrow on the credit of the said corporation under the authority of the said Act and for the purposes hereinbefore mentioned the sum of $120,000, and to issue the debentures of the said corporation for said purposes to the amount aforesaid.

2. Such debentures shall be payable in twenty years at furthest from the 12th day of December, 1893, at the office of the treasurer of the said municipality in the city of Stratford in the said county of Perth and shall have attached thereto coupons for payment of interest at the rate and in the manner herein provided.

3. The said debentures shall bear interest at the rate of per centum per annum from the date thereof, and said interest shall be made payable half-yearly on the first day of January and the first day of July during the continuance of the said debentures or any of them at the office of the treasurer aforesaid.

4. The said debentures shall be drawn in sums of not less than $100, Canadian currency, or £20 sterling money of Great Britain, and may be made payable in Canadian currency, sterling money of Great Britain, or any other currency, and shall be signed by the said warden and countersigned by the treasurer of the said municipality and sealed with the corporate seal thereof.

5. For the purposes of forming a sinking fund for the payment of the said debentures and the interest to become due thereon at the rate aforesaid an equal annual special rate of of a mill in the dollar shall in addition to all other rates be assessed, raised, levied and collected in each year

upon all the ratable property in the said municipality during the continuance of the said debentures or any of them.

6. The proceeds of the loan hereby authorized to be effected and of the debentures hereby authorized to be issued shall be applied for the purposes mentioned in the said Act and for no other purpose whatever.

7. This by-law shall take effect and come into operation forthwith after the passing thereof.

Passed in open council this day of 1893.

Warden.

Clerk.

SCHEDULE "B."

(See Section 13.)

COUNTY OF PERTH RAILWAY DEBENTURES.

No.....

Province of Ontario.

County of Perth.

Under and by virtue of *The County of Perth Railway Debenture Act, 1893*, and by virtue of by-law No. of the Corporation of the County of Perth passed under the provisions contained in the said Act, the Corporation of the County of Perth promise to pay the bearer at the office of the Treasurer of the said municipality in the city of Stratford in the said county the sum of $ on the 12th day of December, A.D. 1913, and the half-yearly coupons for interest thereon attached as the same shall severally become due.

Dated at the city of Stratford, in the county of Perth, this day of A.D. 1893.

[L.S.] Warden.

Treasurer.

No. 43.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Railway Debenture Debt of the County of Perth.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. MACWOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.] **BILL.** [1893.

An Act respecting certain Local Improvements in the City of Ottawa, and for other purposes.

WHEREAS the corporation of the city of Ottawa have by their petition represented that the construction of permanent roadways in the said city is necessary, and it would be inequitable to charge the whole cost thereof on the real property fronting or abutting thereon as for local improvements, and have prayed for an Act to enable them to provide for one-third of the cost of such improvements out of the general funds of the municipality, and to issue debentures for the same; and whereas the said corporation have further represented by their petition that it is desirable for said corporation to possess the power to grant a bonus or gratuity to the members of the Ottawa fire brigade who may be injured at fires, or who may be incapacitated for service on account of injuries received at fires, and to grant pecuniary aid or other assistance to the widows and orphans of persons who may be killed by accidents at fires; and whereas it has been made to appear that there are reasons for the provisions hereinafter contained, in the case of the said city of Ottawa, which do not apply to all other cities or municipalities; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the council of the corporation of the city of Ottawa to provide by by-law at the expense of the general funds of the municipality of the city of Ottawa, one-third of the cost of the construction of all permanent roadways to be constructed within the city of Ottawa as local improvements, and to issue from time to time debentures for the cost of the same, and to provide the other two-thirds of the cost of all such roadways in the manner provided by the local improvement clauses of *The Consolidated Municipal Act, 1892*. Apportionment of costs of local improvements. 55 V., c. 42.

2. The by-law or by-laws of the said corporation passed under the authority of this Act, shall not require to be submitted to or have the assent of the electors of the said city before the final passing thereof; nor shall it be necessary that any provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts be complied with. By-laws not to require assent of electors. 55 V., c. 42.

Irregularities not to invalidate debentures.

3. No defect in substance or in the form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Council may give aid to firemen killed or injured at fires and to their families.

4. The council of the corporation of the city of Ottawa shall in addition the powers contained in *The Consolidated Municipal Act, 1892*, have also the power to grant from time to time a bonus or gratuity to any member of the Ottawa fire brigade who may be injured at fires, or who may have become incapaciated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to further perform his duties, and to grant pecuniary aid or other assistance to the widows and orphans of persons who may be killed by accidents at fires, and to pass from time to time the necessary by-law or by-laws to carry out a scheme for the said purposes.

No. 45.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act respecting certain Local Improvements in the City of Ottawa, and for other purposes.

First Reading, 1893.

(Private Bill.)

Mr. BRONSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.] **BILL.** [1893.

An Act respecting certain Local Improvements in the City of Ottawa, and for other purposes.

Preamble.

WHEREAS the corporation of the city of Ottawa have by their petition represented that the construction of permanent roadways is necessary in the said city on certain streets hereinafter mentioned, and that by reason of the rebuilding upon such streets of the street railway as an electric railway and for other reasons, it would be inequitable to charge the whole cost thereof on the real property fronting or abutting thereon as for local improvements, and have prayed for an Act to enable them to provide for one-third of the cost of such improvements out of the general funds of the municipality, and to issue debentures for the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Cost paving certain streets, how to be borne.

1. It shall be lawful for the council of the corporation of the city of Ottawa to provide by by-law at the expense of the general funds of the municipality of the city of Ottawa, one-third of the cost of the paving as a local improvement of any of the following named streets, or any portion of them, with natural or artificial stone, or the laying of asphalt pavement for the construction of a roadway of a permanent character as a local improvement upon any such street or portion of street, namely: Bridge street, from Duke street to Queen street; Queen street, from Bridge street to Wellington street; Wellington street, from Queen street to Bank street; Bank street from Wellington street to Maria street; Sparks street, from Bank street to Rideau street; Rideau street, from Sparks street to King street; Sussex street, from Rideau street to St. Patrick street; including the intersections of such streets, and to issue from time to time debentures for the cost of the same, and to provide the other two-thirds of the costs of all such permanent roadways in the manner provided by the local improvement clauses of *The Consolidated Municipal Act, 1892*. 55 V. c. 42.

By-laws not to require assent of electors.

2. The by-law or by-laws of the said corporation passed under the authority of this Act, shall not require to be submitted to or have the assent of the electors of the said city before the final passing thereof; nor shall it be necessary that any provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts be complied with.

No. 45.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain Local Improvements in the City of Ottawa, and for other purposes.

First Reading, 14th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 46.] BILL. [1893.

An Act respecting the Town of Toronto Junction.

Preamble

WHEREAS the corporation of the town of Toronto Junction have by their petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized to $100,000.

1. The corporation of the town of Toronto Junction may pass one or more by-laws authorizing the issue of debentures for a sum not exceeding $100,000 in the whole for the completion of the works under by-law number 110 of said Corporation authorized by the Act passed in the 53rd year of Her Majesty's reign and chaptered 110 payable at such time or times as the corporation may think proper not exceeding forty years from the date of the respective by-laws and it shall not be necessary to submit such by-laws for the approval of the ratepayers.

Irregularities in form not to invalidate debentures.

2. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Local improvement by-laws confirmed.

3. All by-laws heretofore passed by the council of the town of Toronto Junction for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works and guaranteed by the municipality at large, and all special assessments made and all debentures issued or to be issued thereunder are hereby validated and confirmed.

No. 46.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Town of Toronto Junction.

First Reading, 1893.

(Private Bill.)

Mr. GILMOUR.

TORONTO:
PRINTED BY LUD. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 46.] **BILL.** [1893.

An Act respecting the Town of Toronto Junction.

WHEREAS the corporation of the town of Toronto Junction under by-laws of the said corporation numbered 110, 224 and 264, ratified and confirmed by the Act passed in the 53rd year of Her Majesty's reign, chaptered 110, the Act passed in the 54th year of Her Majesty's reign, chaptered 83, and the Act passed in the 55th year of Her Majesty's reign, chaptered 91, were authorized to raise the sum of $270,000 by the issue of debentures for the construction of a subway on Keele street and an overhead bridge on the Weston road in the said town, and other works in connection therewith as set forth in said by-laws ; and whereas the construction of the said works, including damages ascertained by arbitration under *The Municipal Act* and the purchase of lands injuriously affected by said works, has amounted to the sum of $56,000 in addition to the said sum already authorized, and the said corporation have by their petition prayed for special legislation to authorize the issue of debentures for the said sum of $56,000 to cover the balance of the costs of the said works as ment by-laws ; and whereas it is expedient to grant the prayer aforesaid and also to ratify and confirm certain local improve- of the said petition ; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The corporation of the town of Toronto Junction may pass one or more by-laws authorizing the issue of debentures for a sum not exceeding *$56,000* in the whole for the completion of the works under by-law number 110 of said Corporation authorized by the Act passed in the 53rd year of Her Majesty's reign and chaptered 110 payable at such time or times as the corporation may think proper not exceeding forty years from the date of the respective by-laws, and it shall not be necessary to submit such by-laws for the approval of the ratepayers. Issue of debentures authorized to $56,000.

2. The debentures to be issued under the authority of this Act, and all moneys arising therefrom shall be applied by the said corporation for the purposes aforesaid and in no other manner whatever.

3. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall Irregularities in form not to invalidate debentures.

render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Local improvement by-laws confirmed.

4. *The* by-laws heretofore passed by the council of the town of Toronto Junction for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works and guaranteed by the municipality at large, *as set forth in the schedule to this Act*, and all special assessments made and all debentures issued or to be issued thereunder are hereby validated and confirmed, but nothing herein contained shall prejudice or affect the question of costs of any action or proceeding now pending.

SCHEDULE.

(*Section 4.*)

Number 298. A by-law to provide for borrowing money by the issue of debentures secured by local special rates for grading Keele street and laying sidewalks thereon between Dundas and Bloor streets in wards numbers 3 and 4. (Passed 6th February, 1893).

Number 299. A by-law to provide for borrowing money by the issue of debentures secured by local special rates for the extension of Fairview avenue in ward number 5. (Passed 6th February, 1893).

Number 300. A by-law to consolidate into an issue of $22,314 $\frac{43}{100}$ five per cent. ten-year local improvement debentures, the broken amounts in by-law number 298 and 299. (Passed 6th February, 1893).

Number 302. A by-law to provide for borrowing money by the issue of debentures secured by local special rates on the property fronting or abutting on Humberside avenue between Dundas street and Quebec avenue for the grading and extension of Humberside avenue ($20,008.02). (Passed 6th February, 1893).

No. 46.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Town of Toronto Junction.

First Reading, 14th April, 1893.

(Reprinted as amended by Private Bills Committee).

(Private Bill.)

Mr. GILMOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 47] **BILL.** [1893.

An Act to legalize and confirm By-law 1401, of the township of York, relating to the Toronto Lacrosse and Athletic Association (Limited).

Preamble.

WHEREAS the Toronto Lacrosse and Athletic Association (Limited), a body incorporated under the provisions of *The Ontario Joint Stock Companies Letters Patent Act* for the purpose of encouraging lacrosse and promoting physical culture and general athletics has by its petition shown that the said association has purchased certain lands and premi es in the township of York for the purpose of the said association and that the said association by petition to the municipal council of the corporation of the township of York, requested that a by-law be passed fixing the annual assessment of the said lands at the sum of $7,000 each year for twenty-five years to be computed from the first day of January, 1892; and that the said council, in accordance with the said request did on the seventh day of November, 1892, pass a by-law numbered 1401 fixing the annual assessment of the said lands at the said sum of $7,000 for the period of twenty five years computed from the first day of January, 1892, and declaring that the said lands for such period should be exempt from any special assessment for any improvement or work of that class of improvements or works where the cost thereof or any part thereof is chargable against the lands specially benefited thereby, provided the said lands should during said period be used as lacrosse and athletic grounds, and that the said by-law provides that the terms thereof should come into effect only in the event of legislation being applied for and obtained by the said association giving power to said municipal council to pass the necessary by-law or by-laws to carry the same into effect; and whereas the said association have by their petition prayed that an Act may accordingly be passed to confirm the said by-law and to enable the said council to do all things necessary to carry the same into effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario enacts as follows:—

By-Law 1,401 of the township of York confirmed.

1. By-law number 1401 of the municipal council of the corporation of the township of York passed on the seventh day of November, 1892, and set out in the schedule "A" to this Act is affirmed and declared to be legal and binding on the said township of York and the ratepayers thereof, not-

withstanding anything in any Act to the contrary and the said council may pass all by-laws and do all such acts as may be necessary to give effect to the said by-law number 1401 according to the true intent and meaning thereof.

SCHEDULE "A."

Number 1401. A By-law (in triplicate) consenting that the assessment of the lands hereinafter described be fixed at the sum of $7,000 per annum for a period of twenty-five years to be computed from the first day of January, 1892.

Whereas the Toronto Lacrosse and Athletic Association Limited have by their petition represented that the said association is now seised of the lands and premises hereinafter described, that the said association has expended a large sum of money upon the said lands in the levelling and sodding of same and in the erection of grand-stands and club-houses and laying of tracks thereon.

And whereas the said the Toronto Lacrosse and Athletic Association have by said petition requested that a by-law be passed consenting that the annual assessment of said lands be fixed at the sum of $7,000 each year for twenty-five years to be computed from the first day of January, 1892.

And whereas it appears expedient to accede to such request.

Be it therefore enacted by the municipal council of the corporation of the township of York.

(I).

That the municipal council of the corporation of the township of York consent that all and singular that certain parcel or tract of land and premises situate lying and being in the township of York, in the county of York, in the Province of Ontario, containing by admeasurement seven acres and being composed of block "A" as shown upon plan of sub-division of part of the north half of lot number eighteen in the second concession from the bay in the said township of York, which said plan is filed in the registry office for the said county of York as plan number 1,135.

And also all and singular that certain parcel or tract of land and premises situate lying and being in the said township of York and being part of lot number eighteen in the second concession from the bay in the said township and more particularly known and described as a strip of land three feet in width and six hundred and forty-seven and thirty-nine one-hundredths of a foot more or less in length, bounded on the south by the north limit of block "A" as shown on registered plan No. 1,135 for the county of York (which block "A" consists of the lands recently purchased by the Toronto Lacrosse and Athletic Association (Limited) and bounded on the north by

the north boundary of the said township lot number eighteen and bounded on the east and west respectively by the production northerly of the east and west boundaries of said block "A" to their intersection with the said northerly boundary of township lot number eighteen, for a period of twenty-five years (said lands being used during such period for lacrosse and athletic grounds) to be computed from the first day of January, 1892, be annually assessed at the sum of $7,000 and the said lands be forsuch period of time exempt from any special assessment for any improvement or work of that class of improvements or works where the cost thereof or of any part thereof is chargable against the lands specially benefited thereby.

(II.)

That this by-law shall come into effect only in the event of legislation being applied for and obtained giving power to this municipal corporation to pass the necessary by-law or by-laws to carry the same into effect.

(III.)

That such legislation shall be applied for by and at the sole expense of the said The Toronto Lacrosse and Athletic Association (Limited) and obtained at farthest by the first day of May, 1894.

(IV.)

That by-law number 1,360 be and the same is hereby repealed.

Passed Nov. 7th, 1892.

{ Seal of the Township of York. }

S. T. HUMBERSTONE,
Reeve.
W. A. CLARKE,
Clerk.

No. 47.

3rd Session, 7th Legislature, 56 Vict., 1893,

BILL.

An Act to legalize and confirm By-law No. 1401 of the township of York relating to the Toronto La·rosse and Athletic Association (Limited).

First Reading, 1893.

(Private Bill.)

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 48.] BILL. [1893.

An Act to consolidate and extend the Debenture Debt of the Township of Tilbury East, contracted for the construction of the Forbes Drainage Works.

Preamble

WHEREAS the corporation of the township of Tilbury East in the county of Kent have by their petition represented that they have incurred debenture debts for the construction and repairs of The Forbes Drainage Works in that township as follows:—Amount of debentures for construction $47,621, amount of debentures for repairs under two by-laws $4,025 and $2,750, $6,775—total debenture indebtedness $54,396 ; and whereas the sum of $13,426 has been paid upon the said debentures for construction leaving a balance of $34,195 still to be paid, no part of the principal sum represented by the debentures for repairs has yet been paid but the interest on $4,025 to the 27th day of January 1893 and on $2,750, to the 1st day of February 1893 has been satisfied ; and whereas the said corporation desire to reduce or pay off by yearly instalments the principal and interest on the debentures still remaining unpaid ; and whereas the said corporation have represented that the payments to be made on account of the said debentures would be unduly oppressive to the ratepayers of the township liable therefore, and that the said corporation, if enabled to consolidate their said debenture indebtedness on said drainage works, can effect a loan or loans to pay off the same at a lower rate of interest and payable at longer dates than apply to the existing debentures ; and whereas the said corporation have by their petition prayed that the said debenture debt of $40,970 may be consolidated and that they may be authorized to issue debentures for that purpose ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at $40,970.

1. The said debenture debts of the said township of Tilbury East are hereby consolidated at the sum of $40,970, and it shall be lawful for the corporation of the said township of Tilbury East to raise by way of loan on the credit of the debentures hereinafter and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire and pay the said debentures as or before they respectively become due and payable ; not exceeding the said sum of $40,970, exclusive of the interest thereon,

Payment of debentures and interest.

2. A portion of the said debentures to be issued under this Act, shall be made payable in each year after the respective by-laws take effect for a period not exceeding thirty years from and after the twenty-seventh day of January 1893, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debenture debt is to be discharged. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly on the twenty-seventh day of the month of January in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures or any part thereof, may bear interest at any rate not exceeding five per centum per annum.

Special rate.

3. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due in each year for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Forbes Drainage Works Rate" and it shall not be necessary to levy for, or provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom whether by exchange, sale, pledge or otherwise shall be applied by the said corporation in the redemption or payment of the debentures to the amount of not more than $40,970, and interest thereon, the expenses incurred in obtaining this act and of carrying into effect the provisions thereof, and in no other manner and for no other purpose whatsoever, and such debentures may be known as "Consolidated Forbes Drainage Works Debentures"

By-laws not to be repeated until debt paid.

5. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be fully paid and satisfied.

Assent of electors not required to by-laws.

55 V. c. 42.

6. It shall not be necessary that any by-law, which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the said township of Tilbury East, in accordance with the provisions of *The Consolidated Municipal Act, 1892.*

Treasurer to keep proper books of account.

7. It shall be the duty of the treasurer of the said township from time to time to keep and it shall be the duty of the council of said township to cause to be kept a proper book of account setting forth a full and particular statement, showing the number of debentures which shall be issued, from time to time, under the powers conferred by this Act, and the respective amounts which are thereby secured, and the times at which

the said debentures shall respectively become due and payable and the several amounts which shall be realized from the sale or other negotiation of said debentures and the application made thereof; and the said book of account shall at all reasonable hours be open to the inspection of any ratepayer in the said township assessed for the said drainage works, and of any of the holders of the debentures issued hereunder or of any such debentures.

Indebtedness not discharged.

8. Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Tilbury East from any indebtedness or liability, which may not be included in the said debenture debts of the said township.

Inconsistent enactments not to apply.

9. Any provisions in the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to an action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or to see to the application of the purchase money or of any money loaned thereon.

Former issue of debentures not to be redeemed without consent of holders.

10. Nothing in this Act contained shall be construed as giving to the said corporation any authority to pay off or redeem any of the debentures in the preamble to this Act mentioned, before the maturity thereof, without the consent of the holder thereof.

Short title.

11. This Act may be citied as *The Tilbury East Forbes Works Debenture Act.*

No. 48.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate and extend The Debenture Debt of the Township of Tilbury East, contracted for the construction of The Forbes Drainage Works.

First Reading, 1893.

(Private Bill.)

Mr. CLANCY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 48.] **BILL.** [1893.

An Act to consolidate and extend the Debenture Debt of the Township of Tilbury East, contracted for the construction of the Forbes Drainage Works.

Preamble

WHEREAS the corporation of the township of Tilbury East in the county of Kent have by their petition represented that they have incurred debenture debts for the construction and repairs of The Forbes Drainage Works in that township as follows:—Amount of debentures for construction $47,621, amount of debentures for *extras and* repairs under two by-laws $4,025 and $2,750, $6,775—total debenture indebtedness $54,396; and whereas the sum of $13,426 has been paid upon the said debentures for construction leaving a balance of $34,195 still to be paid, no part of the principal sum represented by the debentures for *extras and* repairs has yet been paid but the interest on $4,025 to the 27th day of January 1893 and on $2,750, to the 1st day of February 1893 has been satisfied; and whereas the said corporation desire to reduce or pay off by yearly instalments the principal and interest on the debentures still remaining unpaid; and whereas the said corporation have represented that the payments to be made on account of the said debentures would be unduly oppressive to the ratepayers of the township liable therefore, and that the said corporation, if enabled to consolidate their said debenture indebtedness on said drainage works, can effect a loan or loans to pay off the same at a lower rate of interest and payable at longer dates than apply to the existing debentures; and whereas the said corporation have by their petition prayed that the said debenture debt of $40,970 may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at $40,970.

1. The said debenture debts of the said township of Tilbury East are hereby consolidated at the sum of $40,970, and it shall be lawful for the corporation of the said township of Tilbury East *to pass a by-law or by-laws from time to time,* to raise by way of loan on the credit of the debentures hereinafter and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire and pay the said debentures as or before they respectively become due and payable; not exceeding the said sum of $40,970, exclusive of the interest thereon.

Payment of debentures and interest.

2. A portion of the said debentures to be issued under this Act, shall be made payable in each year after the respective by-laws take effect for a period not exceeding thirty years from and after the twenty-seventh day of January 1893, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debenture debt is to be discharged. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly on the twenty-seventh day of the month of January in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures or any part thereof, may bear interest at any rate not exceeding five per centum per annum.

Special rate.

3. The said corporation shall levy on the real property chargeable with the payment of the said debenture debt, subject to the provisions of section 11 of this Act, in addition to all other rates to be levied in each year, a *local and* special rate in the same relative proportions upon the lands and roads assessed as set forth in the by-laws for the construction and repair of the said Forbes Drainage Works, sufficient to pay the amount falling due in each year for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Forbes Drainage Works Rate" and it shall not be necessary to levy for, or provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom whether by exchange, sale, pledge or otherwise shall be applied by the said corporation in the redemption or payment of the debentures to the amount of not more than $40,970, and interest thereon, the expenses incurred in obtaining this act and of carrying into effect the provisions thereof, and in no other manner and for no other purpose whatsoever, and such debentures may be known as "Consolidated Forbes Drainage Works Debentures."

By-laws not to be repealed until debt paid.

5. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be fully paid and satisfied.

Assent of electors not required to by-laws.

6. It shall not be necessary that any by-law, which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the said township of Tilbury East, *or be published or printed and served or mailed*, in accordance with the provisions of *The Consolidated Municipal Act, 1892.*

55 V. c. 42.

7. It shall be the duty of the treasurer of the said township from time to time to keep and it shall be the duty of the council of said township to cause to be kept a proper book of account setting forth a full and particular statement, showing the number of debentures which shall be issued, from time to time, under the powers conferred by this Act, and the respective amounts which are thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall be realized from the sale or other negotiation of said debentures and the application made thereof; and the said book of account shall at all reasonable hours be open to the inspection of any ratepayer in the said township assessed for the said drainage works, and of any of the holders of the debentures issued hereunder or of any such debentures. Treasurer to keep proper books of account.

8. Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Tilbury East from any indebtedness or liability, which may not be included in the said debenture debts of the said township. Indebtedness not discharged.

9. Any provisions in the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to an action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or to see to the application of the purchase money or of any money loaned thereon. Inconsistent enactments not to apply.

10. Nothing in this Act contained shall be construed as giving to the said corporation any authority to pay off or redeem any of the debentures in the preamble to this Act mentioned, before the maturity thereof, without the consent of the holder thereof. Former issue of debentures not to be redeemed without consent of holders.

☞**11.** Nothing in this Act contained shall interfere with or prevent any owner of land, assessed for the said drainage works, if he so desires, from paying the assessments on his land according to the by-laws relating to the said drainage works in existence, prior to the passing of this Act; provided such owner files with the clerk of the township a written notice of his intention so to do, on or before the 1st day of August, 1893.

12. Nothing in this Act shall be construed so as to diminish or affect the liability of the properties specially chargeable for payment of the said debts, or in any way to relieve the said lands at the general expense of the municipality, and all rates to be levied for payment of debentures issued under this Act shall be levied on the properties benefited, under the provisions of *The Consolidated Municipal Act, 1892*, in that behalf, and shall be in substitution for the rates payable in respect of the now outstanding debentures.

Short title.

13. This Act may be citied as *The Tilbury East Forbes Works Debenture Act.*

No. 48.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate and extend The Debenture Debt of the Township of Tilbury East, contracted for the construction of The Forbes Drainage Works.

First Reading, 19th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. CLANCY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 49] **BILL.** [1893.

An Act respecting the Sault Ste. Marie and Hudson's Bay Railway Company.

Preamble.

WHEREAS by an Act of the Legislature of Ontario passed in the 53rd year of Her Majesty's reign, chaptered 124 the Sault Ste. Marie and Hudson's Bay Railway Company was incorporated, and by section 35 of the said Act it was enacted that the railway proposed to be built by the said company should be commenced within three years and completed within ten years from the passing thereof; and whereas the said company have as yet not been able to commence the said road as provided by the said Act; and whereas the said company have prayed for further time to commence and complete the said road; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of time for commencement and completion of work.

1. The time for the commencement of the construction of the said line of railway is extended for the period of three years from the seventh day of April, 1893, and the time for the completion thereof for ten years from the said date.

No. 49.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Sault Ste. Marie and Hudson's Bay Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 50.] **BILL.** [1893.

An Act to amend the Acts relating to the Sandwich, Windsor and Amherstburg Railway.

Preamble.

WHEREAS the Sandwich, Windsor and Amherstburg Railway hereinafter called "the company" have by their petition represented that they have constructed a street railway from the city of Windsor to the town of Sandwich and also to the town of Walkerville and are now operating the same by electricity, that the amount of capital stock subscribed for, issued and fully paid up is $107,500, and the amount of bonds authorized is $100,000, of which $70,000 have been issued and disposed of and have prayed for power to amalgamate with the Windsor Street Railway Company, (Limited), herein called the "Windsor Company," and with the Peoples' Electric Company of Windsor, (Limited), herein called the "Electric Company," or with either of them, or to purchase and acquire the property and rights of such two companies or either of them, and to enable the company to carry out such purchases or amalgamation and complete their works, that the capital stock of the company may be increased and their powers to issue bonds enlarged, and for other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Capital stock increased.

1. The capital stock of the company is hereby increased and shall be $500,000 in shares of $100 each, of which the amount of $107,500 has been issued and is fully paid up, and it shall be the duty of the directors on demand of any shareholder to furnish a certificate of his holding under this section on the surrender of any certificate or other document of title he may now hold.

Powers of directors as to allotment of stock.

2. The directors shall have full power and discretion as to procuring subscriptions for stock, as to allotting stock, and as to excluding any one from subscribing for or acquiring stock, if they are of opinion that such person's membership is for any reason undesirable; and they may call in from the shareholders all sums of money by them subscribed at such times and places and in such payments as they deem proper; and interest shall accrue and fall due on the amount of any unpaid call; and they may pay or agree to pay, in paid up stock of the company such sums as they may deem expedient to engineers

or contractors or for right of way, material, plant, rolling stock, buildings or lands. No stock shall be transferred without the consent of the company first obtained.

Provisions of Rev. Stat. c. 170, incorporated.

3. The several clauses of *The Railway Act of Ontario*, and of any amendment thereto relating to "plans and surveys," "lands and their valuation," "municipalities taking stock," are hereby declared to have been and to be incorporated in the Act incorporating the company and the Acts amending the same, and shall apply to the company except only in so far as they are inconsistent with the express enactments of this and the other Acts relating to the company.

35 V. c. 64, s. 12 repealed.

4. Section 12 of the Act passed in the 35th year of Her Majesty's reign, chapter 64 is hereby repealed, but every act, matter and thing made, done, effected, contracted or agreed to, and every obligation or liability entered into or incurred under or by reason of any of the provisions contained in said section 12, shall be, remain and continue to all intents and for all purposes as valid, binding, effectual and obligatory as if the said section had not been repealed.

53 V. c. 45, s. 2 incorporated.

5. Sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as enacted by the Act passed in the 53rd year of Her Majesty's reign, chapter 45, shall be incorporated with and deemed part of this Act, with the exception of the words "but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work" in sub-section 20 (*c*) and the words, "to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next" in sub-section 21.

Bonding powers.

6. The issue of bonds and debentures or other securities by this Act authorized shall not exceed the sum of $25,000, for every mile of street railway track constructed or under contract for construction and shall not in the whole exceed the amount of $250,000 and on the deposit in the office of the Provincial Secretary of any mortgage deed to secure such bonds and debentures or other securities such mortgage deed shall constitute notice thereof to all persons claiming any interest in the property, assets, rents and revenues of the company described therein, and it shall not be necessary to register the same in any registry office or to file the same in the office of the clerk of any county court to secure or maintain the priority thereof, and priority of deposit shall prevail unless before the deposit there has been actual notice of the prior instrument by the party claiming under the prior deposit.

Directors.

7. The number of directors shall be eight, of whom four shall form a quorum, and any director absent from a meeting of directors may by proxy authorize any other director to

vote and act on his behalf. The first annual meeting for the election of directors and the transaction of the business of the company generally shall be held on the day of 1893 at o'clock noon and the directors may by by-law appoint and from time to time vary the day for subsequent annual meetings.

Power to amalgamate with other lines.

8. It shall be lawful for the company to unite with the Windsor Company and the Electric Company, or with either of such companies, as one company, under the name of the "Sandwich, Windsor and Amherstburg Railway," or for the company to purchase and acquire the property and rights of the said two other companies or either of them.

Mode of affecting amalgamation.

9. It shall be lawful for the directors of the company to agree with the directors of each of the said other two companies, or of either of them, that the companies they respectively represent shall be united as one company, or that the company shall purchase and acquire the property and right and take unto itself all the liabilities of the other two companies, or of one of them; and by such agreement to fix the terms upon which such union or such purchase, shall take place, the rights which the shareholders of each company shall possess after such union or purchase, the number of directors of the company after any such union, and who shall be such directors until the then next election, the period at which such next election shall be held, the number of votes which the shareholders of either company shall respectively have thereat and thereafter, the time when the agreement shall take effect, the by-laws which shall apply to the united company, and generally to make all such conditions and stipulations touching the terms upon which such union or purchase shall take place, as may be found necessary for determining the rights of the said companies respectively and of the shareholders thereof, after any such union or purchase, and the mode in which the business of the company shall be managed and conducted after any such union or purchase.

General meeting to ratify agreement for amalgamation.

10. Whenever any such agreement shall have been made as aforesaid, the directors of each of the said companies, parties thereto, shall call a special general meeting of the shareholders of the company they represent in the manner provided by law for calling such general meetings, stating particularly that such meeting is called for the purpose of considering the said agreement and of ratifying or disallowing the same; and if at such meeting of the shareholders of each of the companies concerned, a majority of the votes of the shareholders attending the same, either in person or by proxy, be given for ratifying the said agreement then the same shall have full effect accordingly: Provided always that if less than a majority of the votes of the shareholders present at such meeting, in person or by proxy, be given in favour of ratifying

Proviso.

such agreement the same shall not take effect, but a further meeting of such shareholders may be called to consider such agreement, but no meeting shall be called for that purpose within one month after the meeting at which the same was so considered: Provided always that the first meeting of the shareholders of any or either company for considering any such agreement shall be held within three months of the time when the same shall be made by the directors thereof, and not afterwards.

Proviso.

Effect of ratification of agreement for amalgamation.

11. From and after the time when any such ratified agreement for the union of the said companies shall take effect, the said companies parties thereto shall become one company and one corporation by the corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the said respective companies, and shall be held to be the same corporation with each of them, so that any right or claim which could be enforced by or against either of them may, after such union, be enforced by or against the company formed by their union; and any suit, action or proceeding pending at the time of such union by or against either such companies may be continued and completed by or against the company formed by their union by the corporate name assigned to it by the agreement: Provided always, that the rights of any person or party having any special lien, charge or privileged claim upon the lands and buildings, tolls, revenues or other property real or personal of either of such companies or upon any part thereof, shall not be impaired by such union.

Proviso.

Property rights, liabilities, etc. vested in new company on amalgamation.

12. From and after the time when any such ratified agreement for the purchase by the company as aforesaid of the property and rights of the other two companies or of either of them shall take effect, such property and rights shall become vested in and shall be exercised by the company who shall be responsible for all the liabilities of the company or companies whose property and rights shall have been transferred to them, and shall be held to be the same corporation with it or them, so that any right or claim which could be enforced by or against either company may after such purchase be enforced by or against the purchasing company; and any suit, action or proceeding pending at the time such agreement shall take effect by or against either company, may be continued and completed by or against the purchasing company: Provided always, that the rights of any person or party having any special lien, charge or privileged claim upon the lands, buildings, tolls, or other property of either of such companies or upon any part thereof shall not be impaired by such purchase: Provided always, that the company or companies whose property and rights shall have been so purchased shall continue to have a corporate existence for the sole purpose of doing such things, and such things only, as shall be necessary

Provided.

Provided.

for the purpose of giving full effect to the ratified agreement, and to the rights of the shareholders or others under the same, and so long as there shall remain anything to be done for that purpose directors may be elected for the said company and may exercise their powers for such purposes as aforesaid, and for those purposes only.

Power to raise sum necessary to purchase rights, etc., of the other company.

13. In case of the purchase by the company of the property and rights of the other two companies or of either of them, the purchasing company may raise the sum required to pay the purchase money agreed on from the capital stock by this Act authorized from among their shareholders, or by the admission of new subscribers, in such manner as shall be provided by by-laws to be passed for the purpose, or under their borrowing powers, or in stock of the company fully or partly paid up, or in bonds of the company, or in part by one or other of such modes and in part by another or others of them as may be agreed upon.

Powers of new company on amalgamation.

14. All the privileges, powers, rights and franchises possessed or enjoyed by the said companies and by each of them under their respective Acts and letters patent of incorporation in force at the time of such agreement, shall be continued to and possessed by the company formed by such union or purchase, who may use and exercise the same as fully as the company who immediately before such union or purchase possessed or enjoyed the same; Provided that in case of inconsistent provisions in the Acts or letters patent, the agreement between the companies shall define which shall continue to and be possessed by the united or purchasing company.

Duplicate of agreement of amalgamation to be filed with Provincial Secretary.

15. Upon the ratification by the shareholders of the respective companies of any such agreement for their amalgamation or for the purchase by the company of the property and rights of the others or other, a duplicate of such agreement shall be filed in the office of the Provincial Secretary, and shall be submitted to the Lieutenant-Governor in Council for his approval; and upon the same being so approved, and a notice intimating such approval being published in the *Ontario Gazette*, such amalgamation or purchase shall be taken to be fully complete, and the said companies, parties to the agreement, shall thereafter be deemed to be one corporation; and such filing and the publication of such notice shall have the same force and effect as an Act of the Legislature confirming such agreement would have.

Certain sections of Rev. Stat. c. 156 incorporated.

16. Clauses 15, 16, 17, 22, 23, 24, 25, 26, 32, 33, 35, 36, 37, 38, 39, 41, 43 and 44 of *The Ontario Joint Stock Companies' General Clauses Act* are incorporated with this Act.

Extension of time for completion of work.

17. The time for completion of the said railway is hereby extended for years from the passing of this Act.

No. 50.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Acts relating to the Sandwich, Windsor & Amherstburg Railway.

First Reading, 1893.

(Private Bill.)

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 50.] **BILL.** [1893.

An Act to amend the Acts relating to the Sandwich, Windsor and Amherstburg Railway.

Preamble.

WHEREAS the Sandwich, Windsor and Amherstburg Railway hereinafter called "the company" have by their petition represented that they have constructed a railway from the city of Windsor to the town of Sandwich and also to the town of Walkerville and are now operating the same by electricity, that the amount of capital stock in said company subscribed for, issued and fully paid up is $107,500, and the amount of bonds authorized is $100,000, of which $70,000 have been issued and disposed of, and have prayed for power to construct the railway of the company from a point in the town of Sandwich, through the township of Sandwich West, and along Sandwich street in the city of Windsor, and through the town of Walkerville and the township of Sandwich East, to the Pilette road in said last mentioned township, and that the capital stock of the company may be authorized to be increased and their powers to issue bonds enlarged, and for other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company authorized to extend its line.

1. The company is hereby authorized and empowered to construct, complete, maintain and operate an extension of its existing line of railway from a point in the town of Sandwich, and thence easterly through the township of Sandwich West, and along Sandwich street in the city of Windsor, and through the town of Walkerville and the township of Sandwich East, to the Pilette road in said last mentioned township; provided, that the streets of the said city and towns, or the highways of any municipality, shall not be occupied or used by the said company for such extension, unless by the permission, approval and consent heretofore or hereafter given by the municipal councils of the said city and towns and municipalities expressed by by-law regulating the same.

Power to increase capital stock.

2. The capital stock of the company may be increased from time to time in the manner provided by *The Railway Act of Ontario* to an amount not exceeding $500,000, and the shares shall be of $100 each, and it shall be the duty of the directors on demand of any holder of any part of the capital stock now issued as in the preamble to this Act, set forth to furnish a certificate of his holding of said increased capital

stock under this section, on the surrender of any certificate or other document of title he may now hold as to the stock already issued.

Powers of directors as to allotment of stock.

3. The directors shall have full power and discretion as to procuring subscriptions for stock hereby authorized as to allotting the same and as to excluding any one from subscribing for or acquiring the same if they are of opinion that such person's membership is for any reason undesirable ; and they may call in from the shareholders all sums of money by them subscribed at such times and places and in such payments as they deem proper ; and interest shall accrue and fall due on the amount of any unpaid call ; and they may pay or agree to pay, in paid up stock of the company such sums as they may deem expedient to engineers or contractors or for right of way, material, plant, rolling stock, buildings or lands.

Provisions of Rev. Stat. c. 170, incorporated.

4. The several clauses of *The Railway Act of Ontario*, and of any amendment thereto relating to "plans and surveys," "lands and their valuation," "municipalities taking stock," are hereby declared to have been and to be incorporated in the Act incorporating the company and the Acts amending the same, and shall apply to the company except only in so far as they are inconsistent with the express enactments of this and the other Acts relating to the company.

Power to call in and cancel bonds.

5. The company, when they shall have obtained the consent in writing of all the holders of the $70,000 of bonds of the company so issued, as in the preamble to this Act set forth, and shall have deposited such consent verified by statutory declaration in the office of the Provincial Secretary, are hereby authorized to call in, cancel and revoke the issue of bonds, of which said $70,000 of bonds form a part, and upon such calling in and cancellation of the said bonds, the mortgage executed for the further securing of the same shall be discharged and cease to be a charge on the undertaking and property of the said company. The company and the holders of said $70,000 of bonds, or of any of them, may agree together that bonds authorized by this Act may be taken by such holders in lieu of the bonds held by them, or of any part thereof, to such amount and on such terms as may be agreed on.

53 V. c. 45, s. 2 incorporated.

6. Sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario* as *amended* by the Act passed in the 53rd year of Her Majesty's reign, chapter 45, shall be incorporated with and deemed part of this Act.

Bonding powers.

7. The issue of bonds and debentures or other securities by this Act authorized shall not exceed the sum of $25,000, for every mile of railway track constructed or under contract for construction and shall not in the whole exceed the amount of $250,000.

Directors.

8. The number of directors of said company, from and after the next annual meeting hereby fixed for the election of said directors, shall be eight, of whom four shall form a quorum, and any director absent from a meeting of directors may by proxy authorize any other director to vote and act on his behalf, but no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting. The first annual meeting hereafter for the election of said eight directors and the transaction of the business of the company generally shall be held on the 6th day of June, 1893, at three o'clock in the afternoon, and the directors may by by-law appoint and from time to time vary the day for subsequent annual meetings.

Power to construct and operate electrical works.

9. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Railway when operated by electricity on highways after agreement with municipality.

10. Wherever the said railway or its cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon, and subject to such agreement in respect thereof as shall be first made between said company and the municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and in all such cases any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railway, or its cars, carriages, engines, motors, or machinery as aforesaid shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of same, or to endanger the same.

Railway to be deemed a railway within the meaning of Rev. Stat. c. 170.

11. The said railway is hereby declared to be and to have been since the date of the incorporation of the said company a railway within the meaning of *The Railway Act of Ontario;* but notwithstanding anything in this Act contained, the agreement set forth in Schedule "A" of the Act passed in the 50th year of the reign of Her Majesty, chaptered 80, and intituled *An Act to amend the Act incorporating the Sandwich and Windsor Passenger Railway Company*, shall to all intents and for all purposes remain and be as valid, binding and effectual upon, against and with respect to said company, as it this Act had not been passed.

Time for completion of line and commencement of extension.

12. The time for completion of the railway line of the company heretofore authorized to be constructed, is extended for eighteen calendar months from the passing of this Act, and the extension of the said railway hereby authorized shall be commenced within one year, and finally completed within three years from the passing of this Act

No. 50.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Acts relating to the Sandwich, Windsor and Amherstburg Railway.

First Reading, 14th April, 1893.

(Reprinted as amended by Railway Committee.)

(Private Bill.)

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 51.] BILL. [1893.

An Act respecting the Rideau Club.

Preamble.

WHEREAS the Rideau Club have, by their petition, prayed that an Act may be passed to amend the Act passed in the 52nd year of Her Majesty's reign and chaptered 99, and to increase the borrowing powers of the said club corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

52 V. c. 99, s. 5, amended.

1. Section 5 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 99, is amended by striking out the figures "$15,000," in the third line of said section, and inserting in lieu thereof the figures "$30,000"

No. 51.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Rideau Club.

First Reading, 1893.

(Private Bill.)

Mr. MONK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 52.] BILL. [1893

An Act to confirm and legalize certain By-laws of the Corporation of the township of Medonte.

Preamble.

WHEREAS the by-laws of the corporation of the township of Medonte passed by the said corporation from the date of organization on the first day of January A. D. 1850, down to the thirty-first day of March, A. D. 1892, were not properly authenticated not having had the corporate seal duly affixed thereto, and not having been signed by the reeve or head of the corporation presiding at the respective meetings of the councils at which such by laws were respectively passed, and by the clerk of said corporation, and by reason thereof all such by-laws are defective and invalid; and whereas the said the corporation of the township of Medonte have presented a petition praying that certain of such by-laws, namely: those by-laws of said township passed for the levying of rates and taxes for municipal, school and other purposes, and for the raising of money by way of loan on debentures for municipal, school and other purposes, and for the opening up, establishment and deviation of certain public highways within said township, passed between dates above mentioned, should be confirmed and legalized to the same extent as if the said by-laws had immediately after the passing thereof had the corporate seal duly affixed thereto and had been properly signed by the reeve or head of said corporation or other person presiding at the respective meetings at which such by-laws were respectively passed and by the clerk of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therfore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Confirmed.

1. The by-laws of the corporation of the township of Medonte passed by the said corporation between the first day of January, in the year of our Lord one thousand eight hundred and fifty and the thirty-first day of March in the year of our Lord one thousand eight hundred and ninety-two for the purpose of levying rates and taxes for municipal, school and other purposes and in the books of by-laws of said corporation numbered, 4, 7, 22, 27, 33, 43, 52, 57, 67, 77, 88, 92, 100, 101, 104, 105, 113, 115, 119, 120, 125, 126, 137, 143, 147, 153, 155, 156, 164, 165, 169, 170, 174, 175, 182, 183, 188, 189, 194, 195, 198, 199, 204, 206, 212, 213, 222, 223, 226, 227, 232, 233, 236, 237, 242, 243, 248, 249, 252, 253, 259, 260, 267, 268, 286, 287, 290, 291, 305, and also those by-laws passed by the said corporation for the purpose of raising money by way of

loan on debentures and in said books of by-laws numbered, 158, 166, 176, 179, 184, 209, 210, 214, 254, 255, 277, and also those by-laws passed by said corporation for the purpose of the opening up, establishment and deviation of certain highways within the said township and in the said books of by-laws numbered 6, 15, 19, 20, 29, 31, 45, 50, 51, 60, 66, 75, 78, 82, 83, 148, 149, 150, 157, 200, 265, 266, 274, 275, 289, 293, 298, 299, and are and each and every of the said by-laws numbered as aforesaid are hereby confirmed and declared to be legal and valid to the same extent as if the said by-laws had immediately after the passing thereof been duly and properly authenticated by having had the corporate seal duly affixed thereto and signed by the reeve or head of said corporation or other person presiding at the meeting at which such by-laws were respectively passed and by the clerk of said corporation.

Clerk to make entry as to confirmation.

2. The clerk of the said corporation of the township of Medonte shall immediately after the passing of this Act properly enter in the book of by-laws of the said corporation at the foot or end of each of the said by-laws hereby confirmed the memorandum following, namely:—("confirmed by 56 Vict., chapter special 'Act'") which said entry shall be read with and form part of each such by-law.

Pending proceedings not affected.

3. Nothing in this Act contained shall effect any action, suit or proceeding heretofore brought or any action, suit or proceeding now pending; and every such action, suit or proceeding shall in all respects and for all purposes be adjudicated upon in respect of the said by-laws as if this Act had not been passed.

No. 52.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to confirm and legalize certain by-laws of the Corporation of the Township of Medonte.

First Reading, 1893.

(Private Bill.)

Mr. MISCAMPBELL.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 52.] BILL. [1893

An Act to confirm and legalize certain By-laws of the Corporation of the township of Medonte.

Preamble.

WHEREAS the by-laws of the corporation of the township of Medonte passed by the said corporation from the date of organization on the first day of January A. D. 1850, down to the thirty-first day of March, A. D. 1892, were not properly authenticated not having had the corporate seal duly affixed thereto, and not having been signed by the reeve or head of the corporation presiding at the respective meetings of the councils at which such by-laws were respectively passed, and by the clerk of said corporation, and by reason thereof all such by-laws are defective and invalid; and whereas the said the corporation of the township of Medonte have presented a petition praying that certain of such by-laws, namely: those by-laws of said township passed for the levying of rates and taxes for municipal, school and other purposes, and for the raising of money by way of loan on debentures for municipal, school and other purposes, and for the opening up, establishment and deviation of certain public highways within said township, passed between dates above mentioned, should be confirmed and legalized to the same extent as if the said by-laws had immediately after the passing thereof had the corporate seal duly affixed thereto and had been properly signed by the reeve or head of said corporation or other person presiding at the respective meetings at which such by-laws were respectively passed and by the clerk of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therfore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Confirmed.

1. The by-laws of the corporation of the township of Medonte passed by the said corporation between the first day of January, in the year of our Lord one thousand eight hundred and fifty and the thirty-first day of March in the year of our Lord one thousand eight hundred and ninety-two for the purpose of levying rates and taxes for municipal, school and other purposes and in the books of by-laws of said corporation numbered, 4, 7, 22, 27, 33, 43, 52, 57, 67, 77, 88, 92, 100, 101, 104, 105, 113, 115, 119, 120, 125, 126, 137, 143, 147, ☞ intituled "By-law No. 153, to raise school money," ☞ 155, 156, 164, 165, *166*, 169, 170, 174, 175, 182, 183, 188, 189, 194, 195, 198, 199, 204, 206, 212, 213, 222, 223, 226, 227, 232, 233, 236, 237, 242, 243, 248, 249, 252, ☞ intituled "By-law No. 252, to raise school moneys for the current year," ☞ 253, 259, 260, 267, 268, 286, 287,

290, 291, 305, and also those by-laws passed by the said corporation for the purpose of raising money by way of loan on debentures and in said books of by-laws numbered, 158, 166, 176, 179, 184, 209, 210, 214, 254, 255, 277, and also those by-laws passed by said corporation for the purpose of the opening up, establishment and deviation of certain highways within the said township and in the said books of by-laws numbered 6, 15, 19, 20, 29, 31, 45, 50, 51, 60, 66, 75, 78, 82, 83, 148, 149, 'By-law No. To establish a road through lot No. 63, in the second concession of the township of Medonte," 150, 157, 200, 265, 266, 274, 275, 289, 293, 298, 299, be and each and every of the said by-laws numbered as aforesaid are hereby confirmed and declared to be legal and valid to the same extent as if the said by-laws had immediately after the passing thereof been duly and properly authenticated by having had the corporate seal duly affixed thereto and signed by the reeve or head of said corporation or other person presiding at the meeting at which such by-laws were respectively passed and by the clerk of said corporation.

Clerk to make entry as to confirmation.

2. The clerk of the said corporation of the township of Medonte shall immediately after the passing of this Act properly enter in the book of by-laws of the said corporation at the foot or end of each of the said by-laws hereby confirmed the memorandum following, namely:—("confirmed by 56 Vict., chapter special 'Act'") which said entry shall be read with and form part of each such by-law.

Pending proceedings not affected.

3. Nothing in this Act contained shall affect any action, suit or proceeding heretofore brought or any action, suit or proceeding now pending; and every such action, suit or proceeding shall in all respects and for all purposes be adjudicated upon in respect of the said by-laws as if this Act had not been passed.

No. 52.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to confirm and legalize certain by-laws of the Corporation of the Township of Medonte.

First Reading, 19th April, 1893.

(Reprinted as amended by Private Bills Committee.

(Private Bill.)

Mr. MISCAMPBELL.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 53.] **BILL.** [1893.

An Act to Authorize the sale of certain lands by the Congregation of the Church of England, in the Parish of St. Thomas.

Preamble.

WHEREAS, the congregation of the parish of St. Thomas in the city of St. Thomas, in the Ecclesiastical Diocese of Huron, have by their petition represented that in the year 1877 the said congregation purchased certain lands in St. Thomas for their use as a parsonage or residence for the incumbent of said parish, and that by indenture dated the 17th day of April, 1877, the said lands were conveyed to John Alexander Kains and Charles Oaks Ermatinger, of St. Thomas, aforesaid, upon trust *inter alia* so soon as all incumbrances upon the property should be cleared off, to convey the same to the Incorporated Synod of the said diocese of Huron for the use of the said parish as a rectory, parsonage or residence for the incumbent; and whereas it also appears that all incumbrances upon the said lands have been paid off but the said lands have not been conveyed to the said synod; and whereas it also appears that that part of the said lands hereinafter described is no longer required for the use of the incumbent, or rector of the said parish, and that the said congregation have empowered the said trustees to sell the same; and whereas the petitioners have prayed that an Act may be passed to empower the said trustees to sell the said lands or parts thereof and to make a conveyance or conveyances thereof and to empower the said trustees in the event of the sale of a part only of such lands to raise money by way of mortgage on the remainder or any other lands acquired by the said trustees; and whereas the said synod is willing that the prayer of the said petition should be granted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees authorized to sell.

1. John A. Kains and Charles Oaks Ermatinger, the trustees for the congregation of the parish of St. Thomas, in the city of St. Thomas, in the ecclesiastical diocese of Huron, are hereby empowered to sell and absolutely dispose of the following lands; namely, the easterly three-fourths of city lots numbers three and four in block letter "Q." (except that part of lot four dedicated to the public for the purpose of widening Wellington street) in the city of St. Thomas, in the county of Elgin forming part of lot three in the eighth concession of the township of Yarmouth as shown on a plan

registered as number three, in the registry office of the county of Elgin made by Daniel Hanvey, Provincial Land Surveyor, freed and absolutely discharged from all trusts under which the said lands were held for the use of the said congregation of the parish of St. Thomas, for the use of the rector of the said parish as a residence.

Power to convey lands free of trust.

2. The said John Alexander Kains and Charles Oaks Ermatinger, the said trustees are hereby empowered to make a valid and effectual conveyance or conveyances to vest all the estate of the said congregation and of the Synod of the Diocese of Huron, and the said John Alexander Kains and Charles Oaks Ermatinger as such trustees in the lands or any part thereof, in the purchaser or purchasers thereof, his or their heirs and assigns forever, freed and discharged from all the said trusts affecting the same.

Trustees authorized to mortgage.

3. In the event of the said trustees only selling part of the said lands the said trustees are hereby empowered to raise by way of mortgage on the remainder such sum of money as they may deem necessary and to make a valid mortgage of the same to the mortgagee, freed and discharged from all the said trusts affecting the same ; and the said trustees are hereby also empowered to mortgage any other lands acquired by them freed and discharged from all the said trusts which may affect the same.

No. 53.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the sale of certain lands by the Congregation of the Church of England, in the Parish of St. Thomas.

First Reading, 1893.

(Private Bill.)

Mr. McColl.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 53.] **BILL.** [1893.

An Act to authorize the sale of certain lands by the Congregation of the Church of England, in the Parish of St. Thomas.

Preamble.

WHEREAS, the congregation of the parish of St. Thomas in the city of St. Thomas, in the Ecclesiastical Diocese of Huron, have by their petition represented that in the year 1877 the said congregation purchased certain lands in St. Thomas for their use as a parsonage or residence for the incumbent of said parish, and that by indenture dated the 17th day of April, 1877, the said lands were conveyed to John Alexander Kains and Charles Oaks Ermatinger, of St. Thomas, aforesaid, upon trust *inter alia* so soon as all incumbrances upon the property should be cleared off, to convey the same to the Incorporated Synod of the said diocese of Huron for the use of the said parish as a rectory, parsonage or residence for the incumbent; and whereas it also appears that all incumbrances upon the said lands have been paid off but the said lands have not been conveyed to the said synod; and whereas it also appears that that part of the said lands hereinafter described is no longer required for the use of the incumbent, or rector of the said parish, and that the said congregation have empowered the said trustees to sell the same; and whereas the petitioners have prayed that an Act may be passed to empower the said trustees to sell the said lands or parts thereof and to make a conveyance or conveyances thereof and to empower the said trustees in the event of the sale of a part only of such lands to raise money by way of mortgage on the remainder or any other lands acquired by the said trustees; and whereas the said synod is willing that the prayer of the said petition should be granted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees authorized to sell.

1. John A. Kains and Charles Oaks Ermatinger, the trustees for the congregation of the parish of St. Thomas, in the city of St. Thomas, in the ecclesiastical diocese of Huron, are hereby empowered to sell and absolutely dispose of the following lands; namely, the easterly three-fourths of city lots numbers three and four in block letter "Q." (except that part of lot four dedicated to the public for the purpose of widening Wellington street) in the city of St. Thomas, in the county of Elgin forming part of lot three in the eighth concession of the township of Yarmouth as shown on a plan

registered as number three, in the registry office of the county of Elgin made by Daniel Hanvey, Provincial Land Surveyor, freed and absolutely discharged from all trusts under which the said lands were held for the use of the said congregation of the parish of St. Thomas, for the use of the rector of the said parish as a residence.

Power to convey lands free of trust.

2. The said John Alexander Kains and Charles Oaks Ermatinger, the said trustees are hereby empowered to make a valid and effectual conveyance or conveyances to vest all the estate of the said congregation and of the Synod of the Diocese of Huron, and the said John Alexander Kains and Charles Oaks Ermatinger as such trustees in the lands or any part thereof, in the purchaser or purchasers thereof, his or their heirs and assigns forever, freed and discharged from all the said trusts affecting the same.

Trustees authorized to mortgage.

3. In the event of the said trustees only selling part of the said lands the said trustees are hereby empowered to raise by way of mortgage on the remainder such sum of money as they may deem necessary for the purpose of erecting a rectory on the remainder of the said lands, and to make a valid mortgage of the same to the mortgagee, freed and discharged from all the said trusts affecting the same.

Application of proceeds of sale.

4. The moneys realized by the sale of the said lands, or any part thereof, shall be applied by the said trustees in the purchase of other lands and buildings, or the erection of new buildings for a rectory for the said congregation, or the said moneys may be invested by them in trust for the said congregation in loan company stock or other authorized security, and the interest applied in payment of rent for a rectory.

No. 53.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the sale of certain lands by the Congregation of the Church of England, in the Parish of St. Thomas.

First Reading, 19th April, 1893.

(*Reprinted as amended by the Committe on Private Bills.*)

(Private Bill.)

Mr. McColl.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 54.] BILL. [1893.

An Act to confirm certain Municipal By-laws granting aid to the Kingston, Smith's Falls and Ottawa Railway Company.

WHEREAS, the municipal corporations, set forth in Schedule "A" to this Act, have granted aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company in the amounts mentioned in the said Schedule; and whereas, the said by-laws are subject to a condition that the said railway shall be completed within a limited time; and whereas, the said corporations respectively have by their petition prayed that the time for the completion of the said railway may be extended; and whereas, technical or other objections might be taken to the validity of the said by-laws or some of them, tending to depreciate the value of debentures issued thereunder; and whereas, it is desirable that the said railway company should be able to obtain from municipalities through which the road runs, running powers over and along highways, and that such municipalities should be authorized conditionally to close certain highways over which the said railway may run and to grant sites for stations on the said railway, and to grant the said railway exemption from municipal taxation; and whereas, it is expedient to sanction, so far as regards the said by-laws, any arrangement which the said railway may make with the Grand Trunk Railway Company, the Kingston and Pembroke Railway Company, the Canada Atlantic Railway Company or the Ottawa, Arnprior and Parry Sound Railway Company for running powers over certain portions of such railways, and for traffic and other arrangements; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws confirmed.

1. The by-laws referred to in schedule "A" to this Act granting aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company, and all debentures issued, or that may hereafter be issued under any of the said by-laws, and all debentures that may be issued in substitution for said debentures under the authority of any Act of the Legislature of Ontario or under this Act, are hereby confirmed and declared valid and binding upon the said municipalities respectively.

By-laws confirmed subject to assent of electors.

2. The by-laws referred to in schedule "B" hereto, are hereby confirmed and declared valid and binding, subject to the assent of the electors thereto being duly obtained as provided by *The Consolidated Municipal Act, 1892.* 55 V. c. 42.

Time in by-laws specified for completing the railway extended.

3. The time specified in the said by-laws for completing the said railway is hereby extended so far as relates to the said by-laws to the 31st day of December, A.D. 1897; and the said by-laws shall be read and construed as if the time for the completion of the said railway provided or implied or intended in any conditions forming part of any of such by-laws was limited to be the 31st day of December, A.D. 1897.

Power to acquire lands.

4. Any municipality through or near which the said railway may pass is empowered to acquire and grant by way of gift to the said company any lands which may be required for right of way, station grounds or purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Running on highways.

5. Any municipality through or near which the said railway may pass, is empowered to grant the said railway company running powers over any street, road or highway under its jurisdiction and by by-law to close such street, road or highway to the public for ordinary travel; provided always that the powers hereby conferred shall be exercised in accordance with the provisions of *The Consolidated Municipal Act, 1892*, so far as the same may be applicable, but before the said railway enters upon any street or highway except to cross the same, leave must be obtained from the railway committee of the Dominion of Canada.

55 V. c. 42.

Municipal debentures in aid of company.

6. It shall be lawful for any of the said municipalities to pass a by-law without submitting the same to the electors of such municipality or otherwise observing the formalities required by *The Consolidated Municipal Act, 1892*, providing for the issue of debentures of such municipality for the amount of any bonus to the Kingston, Smith's Falls and Ottawa Railway Company, payable by instalments or sinking fund extending and distributed over a period not exceeding forty years from the date of such by-law, bearing interest not exceeding five per cent. per annum, and levying on the ratable property of the municipality annually during the currency of the said debentures a sufficient sum by a sufficient special rate therefor to pay the principal and interest of the said debentures as made payable by the by-law, and to substitute the said debentures for the debentures authorized by the by-law heretofore passed by such municipality granting a bonus for the same amount to the Kingston, Smith's Falls and Ottawa Railway; and any municipality which shall after the passing of this Act grant a subsidy to the said railway company, may make the debentures issued on account of such subsidy payable during a period not exceeding forty years, and under the same condi-

55 V. c. 42.

tions as to interest and instalments, and the same power as to levying on the ratable property of the municipality as are in *The Consolidated Municipal Act, 1892*, and in this section provided.

Irregularity in form of debentures.

7. No irregularity in the form of any of the debentures issued for the payment of any of such bonuses, or of the by-laws authorizing the issuing thereof, referred to in schedules "A and B" to this Act, shall render the same invalid or illegal or be allowed as a defence to any action brought against any of the said municipalities for the recovery of the amount of the said debentures or any part thereof.

Traffic arrangements with other railways.

8. The said company shall have power to agree for any sale, lease connections, or traffic arrangements with the Grand Trunk Railway Company, the Kingston and Pembroke Railway Company, the Canada Atlantic Railway Company and the Ottawa, Arnprior and Parry Sound Railway Company or any one or more of them and such agreements shall not in any manner affect or invalidate the bonus granted to the said company by the city of Ottawa, or be regarded as in any manner a breach of any agreement existing between the city of Ottawa and the said company; provided always, that in the event of any such agreement, the said railways entering into the same shall continue independent of and competitive with the Canadian Pacific Railway for a period of forty years from the first day of January, 1893.

Running powers over other roads.

9. In the event of the Kingston, Smith's Falls and Ottawa Railway Company making an agreement with the Grand Trunk Railway or the Kingston and Pembroke Railway, whereby it shall obtain running powers over the road of either or both of the said railway companies from a point distant not more than seven miles from the city of Kingston to the said city, and in the event of the Kingston, Smith's Falls and Ottawa Railway Company making an agreement with the Canada Atlantic Railway Company, or with the Ottawa, Arnprior and Parry Sound Railway Company, whereby it shall obtain running powers over the road of either or both of the said railway companies from a point distant not more than miles from the city of Ottawa to the said city, then in such case the running powers so acquired shall be construed to all intents and purposes as the completion of the construction of so much of the said line of railway; provided that the acquisition of such running powers shall not be equivalent to the construction of so much of the railway in the sense as to entitle the said Kingston, Smith's Falls and Ottawa Railway Company to any instalment of the bonus from the city of Kingston for the mileage of such running powers as if so much railway had been actually constructed by the said company.

Traffic arrangements with other railways.

10. Notwithstanding any condition contained in the by-law of the town of Smith's Falls granting a bonus to the said railway, the said railway shall have power to agree for any sale, lease, connections or traffic arrangements with the Grand Trunk Railway Company, the Kingston and Pembroke Railway Company, the Canada Atlantic Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company or any one or more of them; provided always, that in the event of any such agreement, the said railways entering into the same shall continue independent of, and competitive with the Canadian Pacific Railway for a period of forty years from the first day of January, 1893.

Exemption of property of road from taxation.

11. The council of any municipality through which the said railway may run, shall have the power of exempting from taxation the property of the said railway company within such municipality to such extent and for such period as the said company and the said municipality shall agree upon.

Date and time of payment of debentures.
52 V. c. 62.

12. The debentures of the city of Kingston, authorized to be issued to the said railway company by the Act passed in the 52nd year of Her Majesty's reign and chaptered 62, shall be issued and dated as of the first day of January or July, prior to the time when the company shall become entitled to the first instalment thereof, and the said debentures shall be made payable within forty years from their date, and the dates herein specified are substituted for those mentioned in the said Act, and the said debentures shall in all other respects be subject to the conditions contained in the by-law of the city of Kingston granting a bonus to the said railway as modified by this Act.

SCHEDULE "A."

(*Section 1.*)

By-law of the	city of	Kingston	granting a bonus of	$150,000 00
"	"	town of Smith's Falls	" "	25,000 00
"	"	township of South Elmsley	" "	10,000 00
"	"	township of South Crosby	" "	10,000 00
"	"	city of Ottawa	" "	50,000 00
"	"	village of Richmond	" "	4,000 00

Right of way and station site.

SCHEDULE "B."

(*Section 2.*)

No. 54.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to confirm certain Municipal By-laws granting aid to the Kingston, Smith's Falls and Ottawa Railway.

First Reading, 1893.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 54.] BILL. [1893.

An Act relating to certain Municipal By-laws granting aid to the Kingston, Smith's Falls and Ottawa Railway Company, and for other purposes.

Preamble.

WHEREAS, the municipal corporations, set forth in Schedule "A" to this Act, have *by by-laws in that behalf* granted aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company in the amounts mentioned in the said Schedule; and whereas the said company has petitioned that the said by-laws may be confirmed, and has also petitioned for the other provisions hereinafter enacted by this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws confirmed.

1. The by-laws referred to in schedule "A" to this Act granting aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company, and all debentures issued, or that may hereafter be issued under and in conformity with any of the said by-laws are hereby confirmed and declared valid and binding upon the said municipalities respectively.

Aid from municipalities.

2. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Mode of submitting bonus by-laws.

3. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall,

within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

55 V. c. 42.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Requisites of bonus by-laws.

4. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

When aid granted by county and minor municipalities object.

5. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbi-

trators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Minor municipality, meaning of.

6. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit for expenses of submitting by-law.

7. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law approved by electors council to pass same.

8. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

9. Within one month after the passing of such by-law the said council and the mayor, warden, reeve, or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

When aid granted by portion of a township.

10. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of 55 V. c. 42.

11. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement of work.

12. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time: provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

13. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time: provided that no such extension shall be for a longer period than one year at a time.

Rate for not more than three cents on dollar valid.

14. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Exemption from taxation.

15. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Municipalities may grant lands to railways.

16. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

17. The time for the completion of the said railway, fixed by the by-laws of the city of Kingston and the township of South Crosby, is hereby extended to the 31st day of December, A. D. 1897, and the said by-laws shall be read and construed as if the time for completion of the said railway, fixed therein, was the 31st day of December, A. D. 1897. Extension of time for completion of line.

18. No irregularity in the form of any of the debentures issued for the payment of any of such bonuses, *under the by-laws* referred to in schedule "A" to this Act, shall render the same invalid or illegal, or be allowed as a defence to any action brought against any of the said municipalities for the recovery of the amount of the said debentures or any part thereof. Irregularity in form of debentures.

19. *In the event of the* said company *agreeing for any leasing* or traffic arrangements with the Grand Trunk Railway Company, *of Canada,* the Canada Atlantic Railway Company and the Ottawa, Arnprior and Parry Sound Railway Company or any one or more of them, such agreements shall not in any manner affect or invalidate the bonus granted to the said company by the city of Ottawa, or be regarded as in any manner a breach of any agreement existing between the city of Ottawa and the said company; provided always, that in the event of any such agreement, the said railways entering into the same shall continue independent of and competitive with the Canadian Pacific Railway Company, or with any railway company amalgamated with, or operated or controlled by the said the Canadian Pacific Railway Company; provided further that this section shall apply only to the municipality of the city of Ottawa, for a period of forty years from the first day of January, 1893. Traffic arrangements with other railways.

20. In the event of the Kingston, Smith's Falls and Ottawa Railway Company making an agreement with the Grand Trunk Railway Company of Canada or the Kingston and Pembroke Railway Company, whereby it shall obtain running powers over the road of either or both of the said railway companies from a point distant not more than seven miles from the city of Kingston to the said city, and in the event of the Kingston, Smith's Falls and Ottawa Railway Company making an agreement with the Canada Atlantic Railway Company, or with the Ottawa, Arnprior and Parry Sound Railway Company, whereby it shall obtain running powers over the road of either or both of the said railway companies from a point distant not more than *seven* miles from the city of Ottawa to the said city, then in such case the running powers so acquired shall be construed to all intents and purposes as the completion of the construction of so much of the said line of railway; provided that the acquisition of such running powers shall not be equivalent to the construction of so much of the railway in Running powers over other roads.

the sense as to entitle the said Kingston, Smith's Falls and Ottawa Railway Company to any instalment of the bonus from the city of Kingston for the mileage of such running powers as if so much railway had been actually constructed by the said company.

Form of debentures of city of Kingston.

☞21. The debentures of the city of Kingston, authorized to be issued to the said railway company by the Act of this Legislature passed in the 52nd year of Her Majesty's reign and chaptered 62, shall be issued and dated as of the first day of January or July, prior to the time when the company shall become entitled to the first instalment thereof, under the provisions of the by-law granting the bonus, and the said debentures shall be made payable within forty years from their date, by annual instalments, with interest not exceeding four and one-half per centum per annum from date of issue, as provided by this section half-yearly as provided in said bonus by-law, and the dates herein specified are substituted for those mentioned in the said Act, and the said debentures shall in all other respects be subject to the conditions contained in the by-law of the city of Kingston granting a bonus to the said railway as modified by this Act, in respect to the date fixed for the completion of said railway and the date of issue of the said debentures as aforesaid. ☜

Act not to confer rights beyond jurisdiction of Legislature.

☞22. Nothing in this Act contained shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ☜

SCHEDULE "A."

(Section 1.)

By-law	of the	city of Kingston	granting a bonus of	$150,000	00
"	"	town of Smith's Falls	" "	25,000	00
"	"	township of South Elmsley	" "	10,000	00
"	"	township of South Crosby	" "	10,000	00
"	"	city of Ottawa	" "	50,000	00
"	"	village of Richmond	" "	4,000	00

Right of way and station site.

No. 54.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act relating to certain Municipal By-laws granting aid to the Kingston, Smith's Falls and Ottawa Railway Company, and for other purposes.

First Reading, 14th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 55.] BILL. [1893.

An Act respecting the Narrows Bridge in the Township of Seymour.

Preamble.

WHEREAS, by an Act passed by the Legislature of the Province of Ontario, in the 55th year of Her Majesty's reign, and chaptered 86, the corporation of the township of Seymour was permitted to abandon a bridge called the "Narrows Bridge" across the river Trent in the said township of Seymour; and whereas, the said Act was procured and passed upon the representation that the said bridge was no longer necessary, whereas the fact is, that the said bridge is necessary and a new bridge will immediately have to be built; and whereas, by reason of the Act aforesaid, the entire expense of such new bridge and the building and erection thereof is cast upon the corporation of the united counties of Northumberland and Durham; and whereas, the said, the corporation of the said united counties have by their petition prayed that the said Act may be repealed; and whereas, it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

55 V., c. 86, repealed.

1. The Act passed in the 55th year of Her Majesty's reign, Chaptered 86 intituled "*An Act respecting the Township of Seymour*" is repealed, and any by-law of the said township of Seymour passed by virtue thereof is hereby declared of no effect.

Apportionment of cost of rebuilding bridge.

2. Whenever it shall become necessary to rebuild the bridge across the river Trent, in the township of Seymour called the "Narrows Bridge," the corporation of the united counties of Northumberland and Durham shall build the same and shall bear and pay two-thirds of the cost thereof, and the corporation of the township of Seymour shall bear and pay the other third of the cost thereof. The plans and specifications of such bridge shall be adopted and approved of by the respective corporations of Northumberland and Durham and the township of Seymour.

Apportionment of cost of repairs.

3. The bridge when built shall be the property of the corporation of the township of Seymour, but the cost of the repairs thereof shall be borne and paid equally by the corporation of the township of Seymour and the united counties of Northumberland and Durham, and such repairs shall be made under the joint supervision of the said corporations.

No. 55.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Narrows Bridge in the Township of Seymour.

First Reading, 1893.

(Private Bill.)

Mr. FIELD.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 55.] BILL. [1893.

An Act respecting the Narrows Bridge in the Township of Seymour.

Preamble.

WHEREAS, by an Act passed by the Legislature of the Province of Ontario, in the 55th year of Her Majesty's reign, and chaptered 86, the corporation of the township of Seymour was permitted to abandon a bridge called the "Narrows Bridge" across the river Trent in the said township of Seymour; and whereas, the said Act was procured and passed upon the representation that the said bridge was no longer necessary, whereas the fact is, that the said bridge is necessary and a new bridge will immediately have to be built; and whereas, by reason of the Act aforesaid, the entire expense of such new bridge and the building and erection thereof is cast upon the corporation of the united counties of Northumberland and Durham; and whereas, the said, the corporation of the said united counties have by their petition prayed that the said Act may be repealed; and whereas, it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

55 V., c. 86, repealed.

1. The Act passed in the 55th year of Her Majesty's reign, Chaptered 86 intituled "*An Act respecting the Township of Seymour*" is repealed, and any by-law of the said township of Seymour passed by virtue thereof is hereby declared of no effect.

Apportionment of cost of rebuilding bridge.

2. Whenever it shall become necessary to rebuild the bridge across the river Trent, in the township of Seymour called the "Narrows Bridge," the corporation of the united counties of Northumberland and Durham shall build the same and shall bear and pay two-thirds of the cost thereof, and the corporation of the township of Seymour shall bear and pay the other third of the cost thereof. The plans and specifications of such bridge shall be adopted and approved of by the respective corporations of Northumberland and Durham and the township of Seymour.

Apportionment of cost of repairs.

3. The cost of the repairs *of the said bridge* shall be borne *one-third thereof* by the corporation of the township of Seymour and *two-thirds thereof by* the united counties of Northumberland and Durham, and such repairs shall be made under the joint supervision of the said corporations.

No. 55.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Narrows Bridge in the Township of Seymour.

First Reading, 26th April, 1893.

(*Reprinted as Amended by the Private Bills Committee.*)

(Private Bill.)

Mr. FIELD.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 56.] **BILL.** [1893.

An Act respecting the Town of Port Arthur,

WHEREAS, the town of Port Arthur has prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The order of the Lieutenant-Governor in Council of the Province of Ontario bearing date the 31st day of December, A.D., 1892, (a copy whereof is appended as schedule "A" to this Act) is hereby confirmed and declared to be legal and valid to all intents and purposes and upon all persons and corporations affected thereby; Provided that it shall be lawful at all times for the municipal corporations affected thereby and mentioned therein to make any agreement between themselves as they may desire either in variation of the terms of the said order in council, or affecting matters not referred to in the said order in council respecting the Electric Street Railway mentioned in said order. Confirmation of order in council. Proviso.

2. From and after the passing of this Act the corporation of the town of Port Arthur shall be enabled to lease or rent on such terms as the council of the corporation of the town of Port Arthur shall deem advisable any surplus electrical or other power that the town of Port Arthur may have to any person or corporation for any purpose whatever. Authority to rent surplus power.

3. From and after the passing of this Act the corporation of the town of Port Arthur is hereby empowered to do its own municipal electrical lighting whensoever it shall so desire, and also to supply electric light for domestic and commercial purposes to all persons and corporations desiring same, upon such terms as the council of the town of Port Arthur may deem advisable. Power to supply electric lighting.

4. From and after the passing of this Act the council of the corporation of the town of Port Arthur, after first obtaining the assent of the electors entitled to vote on money by-laws, may enter into a contract or contracts with any company or corporations for the construction of waterworks and the supply and consumption of water for municipal and domestic purposes, extending over any term or period of not more than thirty years, notwithstanding anything in *The Consolidated Municipal Act, 1892*, to the contrary. Power to contract for waterworks for thirty years.

SCHEDULE "A."

Terms and conditions imposed by the Lieutenant-Governor in council in pursuance of the provisions of sec. 5, cap. 83, 55 Vict., being an Act respecting the town of Port Arthur.

1. The town of Port Arthur shall construct in a substantial manner the whole of the proposed line of railway into and partly through the town of Fort William to be finished to the point indicated on Frederica street in Fort William, the course of such line of railway being particularly described and defined as follows :—

Commencing at the present terminus of the said electric street railway on the Fort William road at the southern boundary of the town of Port Arthur, thence south-easterly and south-westerly along the Fort William road or Simpson street to its junction with Victoria avenue; thence west along said Victoria avenue to its intersection with Syndicate avenue; thence south along said Syndicate avenue to its junction with Main street; thence south-westerly along Main street to its junction with Hector street; thence south-westerly along said Hector street to its intersection with Victor street; thence west along said Victor street to its intersection with Spragge street; thence south along said Spragge street to its intersection with Frederica street; thence west along said Frederica street to the right of way of Port Arthur, Duluth and Western railway extension, being shown on plan made by A. L. Russell, P.L.S.

Port Arthur shall extend the said line of railway to the point indicated on Gore street, provided the right of way is procured by Fort William to reach Gore street *via* Edward street from the above terminus in order to avoid the crossing of the railway track of the Port Arthur, Duluth and Western railway. The railway is to be finished to a point indicated on Frederica street by the first of December, 1893, and if the right of way from Frederica street by Edward street to the aforesaid point on Gore street is procured by and at the expense of the town of Fort William to avoid said crossing by the first of August, 1893, then the line is to be completed to the point indicated in red ink on Gore street on said map by the first day of December, 1893. Provided, that if through any default on the part of Port Arthur the whole of the said line to the point aforesaid on Gore street be not completed and in running order and in operation by the said first day of December, 1893, then all the rights of Port Arthur under the Acts 55 Vict. chaps. 70 and 82 in respect of Fort William and its streets are declared to be forfeited, and the same as they stand at such period of forfeiture shall revert absolutely to Fort William aforesaid.

2. The gauge of the railway and all necessary sidings shall be the standard four feet eight and one-half inches, the rails to be "T," not lighter than forty pounds per yard, placed on ties to be connected with rail and cross-bonds, this being the gauge and character of the rails and manner of placing same adopted by Port Arthur.

The rails of the railway shall be laid (as nearly as practicable) flush with the streets, and the railway track shall conform with the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinay traffic of the street.

The town of Port Arthur shall at its own expense keep clear and in proper repair the street between the rails and for eighteen inches on each side of the rails, and in default the council of the municipality of Fort William may cause the same to be done at the expense and proper cost of the town of Port Arthur.

The electrical construction shall be the overhead trolley, supported by span wires between wooden poles placed on both sides of the streets. The poles on one side of the street to be provided with cross arms to support the main feeder wire, the construction to be similar to that now in use on Cumberland street, Port Arthur. On the construction of the railway within Fort William the material for the road-bed shall be the same as that used in the respective streets over which the railway runs.

3. The work to be done by the town of Port Arthur on the streets of the town of Fort William in connection with the construction of the said street railway is to be in accordance with the specifications following, that is to say:—

(*a*) The aligment, gradient and curvatures shall be the best the lines, levels and angles of the various streets over which the railway passes shall admit of.

(*b*) The road-bed shall be prepared by excavating the centre of the street to a depth of one foot below the surface by nine feet in width and levelled to a uniform surface to receive the ties which shall be placed two feet from centre to centre. The material cast out shall, after the ties and rails are placed, be tamped in so as to grade the street to within one inch of the surface or level of the rail, the material used in filling in and surfacing that portion of the street occupied by the railway shall be the same and of equal quality to that forming the road-bed of the street on either side.

A crossing shall be provided at the intersection of every street between Dease street and Ridgeway street in the town of Fort William, such crossing to consist of three-inch plank between the rails and extending twelve inches outside the rail on each side of the track. Like crossings shall also be hereafter provided and placed at such other intersec-

tions of streets as may from time to time be required by reason of the growth or increase of traffic on such intersecting streets.

A plank eight inches in width shall be placed along the outside of each rail, and a plank six inches in width shall be placed along the inside of each rail for the whole length of the line of railway in the town of Fort Willian, such plank to be so placed and the surface of the travelled roadway so brought up flush with it, so as to make provision for ordinary vehicles safely and conveniently crossing or turning upon the streets along which the street railway may be constructed.

(*c*) The ties shall be eight feet long, six inches thick and hewed to a uniform width of six inches on two opposite sides, the rails to be "T," not lighter than forty pounds to the lineal yard, well fastened at the joints with suitable fish plates and not less than four bolts to each joint. The rails of the railway shall be laid (as nearly as practicable) flush with the streets and the railway track shall conform with the grades of the same and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets.

(*d*) The overhead electric wire shall be suspended by span wires between wooden poles placed on both sides of the street. The poles on one side of the street to be provided with cross-arms to support the main feeder wire, the construction being similar to that now in use on Cumberland street, Port Arthur. Such work of construction and the repair and maintenance thereof after construction shall be to the satisfaction of William Murdock, Esquire, civil engineer, and in case of his death, absence or inability or unwillingness to perform the work, then to the satisfaction of such person as may be named by the Lieutenant-Governor in council, and in default of such repair and maintenance being done by Port Arthur, then Fort William shall be at liberty to do the same and charge the expense thereof to Port Arthur. It is further provided that the street railway now in operation in Port Arthur be so built, maintained, repaired, graded and ballasted as to be suitable and safe for travel on the first day of December, 1893.

4. When necessary, the town of Fort William shall have the right to take up and replace the streets traversed by the railway line for the purpose of altering the grades thereof, and constructing or repairing pavements, drains, sewers or conduits, and for laying down or repairing water or gas-pipes and for all other purposes within the powers of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith; provided, however, that the town of Fort William in carrying out said works shall not unnecessarily or unreasonably interfere with or delay the construction, repairs, running or operation of the said street railway.

5. The town of Port Arthur shall so keep their tracks within the municipality of Fort William clear of snow and ice as not

materially to interfere with the user of the streets in Fort William traversed by the railway lines; provided, however, that if it shall become impracticable by reason of heavy falls of snow or other natural causes, to keep the tracks and streets in Fort William as above indicated, the town of Port Arthur shall not be required to do more than can be reasonably done under the circumstances.

6. The said line of railway shall from the date of completion aforesaid be kept in running order and cars shall be run thereon daily (Sundays only excepted) continuously from the present northerly limit at Port Arthur to the limit of Frederica or Gore street as the case may be as follows:—

One car at least shall leave each limit between the hours of six and seven in the morning and one car at least between the hours of eight and nine in the evening of every week day, which shall run continuously through to the other end of the line from that at which the car started, and there shall be in addition not less than seven through trips each way per day so as to make in each day at least nine through continuous trips from one end of the line to the other. In case it shall appear that a more frequent service is required than the above and the said towns are unable to agree thereon, the same shall be referred to the Lieutenant-Governor in council whose direction in the matter shall be observed by Port Arthur.

Day cars to run on the said line from 6 a.m. until 9 p.m., the single cash fare for one continuous trip to be five cents and night cars to be ten cents cash. A class of tickts to be sold at the rate of eight for twenty-five cents, the same to be used for passengers entering the cars between 6 and 8 o'clock a m., and 5.30 and 7 o'clock p.m., and another class at the rate of six for twenty-five cents.

Children under nine years of age and not in arms to be carried at the rate of three cents per trip. Infants in arms to be carried free. School children are to have school tickets at the rate of ten for twenty-five cents, to be used only between 8 a.m. and 5 p.m., and not on Saturdays. The above rates may be varied with the joint consent of the respective councils of Port Arthur and Fort William.

In case the town of Port Arthur shall at any time cease to regularly use the whole or any part of the said railway within Fort William as provided for by this paragraph, for a period of six months, then the right to use the same within the municipality of Fort William shall be forfeited, and the said streets as they stand at such period of forfeiture shall revert absolutely to Fort William.

7. Such extensions within the limits of Fort William of the said line of railway as shall from time to time be found to be reasonable for the inhabitants of the town of Fort William shall on the request of the town of Fort William be from time to time made by Port Arthur, and if any dispute arises as to

the reasonableness and necessity for such extension or extensions or any of them, the same shall be settled by the Lieutenant-Governor in council, who shall determine the terms upon which and the time within which such extensions shall be constructed and completed in the event of the same being deemed reasonable and necessary as aforesaid, and the Lieutenant-Governor in council shall, in so determining, take into consideration the growth of the town of Fort William and increase of its population and the probability of such extensions affording a reasonable return for the cost of construction. And provided that in default of the said town of Port Arthur carrying out the decision of the said the Lieutenant-Governor in council in respect of any of such extensions for a period of six months after the expiration of the time limited for the completion thereof, all the rights of Port Arthur under the said sections of the Act aforesaid in respect of Fort William and its streets are declared to be forfeited, but the town of Port Arthur shall be at liberty to remove the said railway and its plant from the said streets, but it shall leave the said street in as good and substantial repair and condition as they were at the time of the construction of the said railway and any extensions thereof, and shall indemnify Fort William against all expense of removing the rails and putting the streets in proper repair.

8. At any time within the period of eight years after the first day of December, 1892, the town of Fort William shall have the right or option of becoming a joint owner in the said road with the town of Port Arthur, either to the extent of one-third or one-half interest as the town of Fort William shall elect. In case the town of Fort William shall elect to take one-third interest it shall have the appointment of one commissioner and the town of Port Arthur two commissioners, which said three commissioners shall manage the road for the joint interest of the owners. In case the town of Fort William shall elect to take a one-half interest in the road the road is to be managed by a commission and each of the towns of Fort William and Port Arthur is to have an equal voice in the appointment of such commissioners.

9. The town of Fort William, on giving one year's previous notice in writing to the town of Port Arthur shall have the right at the expiration of twenty years from the first day of December, 1893, so far as the line of railway and its connections and appurtenances within the town of Fort William are concerned to acquire the same on payment of such sum as may be mutually agreed on, but this shall not entitle Fort William to any right or interest in that portion of the line of railway and appurtenances situate within Port Arthur. In case the said towns cannot agree as to the value to be paid by Fort William to Port Arthur therefor, the same shall be settled by arbitration as provided in the Act respecting arbitration and references and the said arbitrators shall ascertain the actual

value to Fort William of the road-beds, rails, plant, overhead construction and appurtenances, having regard to the requirements of the various systems then in operation, and also the proportion of cars of different kinds which the said arbitrators may think under the circumstances Fort William should be compelled to take.

Provided further that in the event of Fort William purchasing the said street railway and appurtenances as aforesaid at the end of twenty years from the first of December, 1893, then and in such case and on payment of the purchase money therefor, all the rights of the town of Port Arthur made under Acts hereinbefore mentioned shall be at an end.

10. In case the corporation of Fort William fails to exercise the right of assuming the ownership of such portion of the railway as aforesaid at the expiration of the said twenty years the said corporation may exercise such rights on the same terms at the expiration of any five years thereafter, having previously thereto given one years' notice to the town of Port Arthur, and the rights and privileges of the town of Port Arthur shall continue until the ownership of such portion as aforesaid is assumed and paid for by Fort William.

11. In the event of Fort William becoming a joint owner under paragraph eight and subsequently exercising its right to purchase under paragraphs 9 and 10, the town of Port Arthur shall at the date of such purchase pay to Fort William the then value of Fort William's interest in the whole railway, such value to be settled by arbitration, and on the same basis as above provided in paragraph nine. In the event of the towns differing as to the same and thereupon the interest of Fort William in that part of the railway and its appurtenances situate within Port Arthur shall cease and determine.

12. All debentures issued heretofore or hereafter to be issued by the town of Port Arthur for the purpose of constructing and operating the said railway and any extensions thereof shall be a first preferential charge or lien on the said street railway property and shall also be a first charge or lien on the net income derived from the working and operating of the said street railway ; provided, however, that in the event of Fort William purchasing the railway and its appurtenances situate within the town of Fort William at the expiration of said period of twenty years or at any period thereafter as above provided, then the portion of the said railway within Fort William and the road-bed, rails, plant, overhead construction, appurtenances and rolling stock so purchased by Fort William shall thereupon be released from all claim, lien or charge of such debentures on payment by Fort William of the amount agreed upon mutually or by arbitration as to the purchase thereof, and no such lien or charge shall in any way affect the position of Fort William so as to interfere with its dealing with Port Arthur in respect of the said railway in the

manner indicated in these proposals, and to interfere more particularly with Fort William obtaining the property of the railway within its territorial bounds on payment of the amount to be arranged by arbitration absolutely free of any claim or charge in respect of such debentures.

13. The town of Port Arthur shall be liable to and indemnify the town of Fort William against all damages arising out of the construction or operation of the said railway within the town of Fort William.

14. The property of or belonging to Port Arthur in connection with or incidental to the street railway, shall, during the continuance of this agreement, be exempt from taxation of every kind by said municipality of Fort William, and the income derived or arising from the operating and running of the railway shall also be exempt from taxation by Fort William during the like period.

15. All other ordinary vehicles may use and travel in the said tracks provided they do not interfere with or impede the running of the cars, or other conveyances of the street railway, and in all cases any carriage or other vehicle on the track shall immediately by leaving the track, give place to the cars or other conveyance of the railway.

16. The terms and provisions of section 52, sub-section 3 of *The Judicature Act* shall apply to all provisions as to forfeitures herein contained.

17. The town of Port Arthur shall be entitled without payment of any compensation therefor to Fort William, to the exclusive right for street railway purposes, of the streets mentioned in paragraph one hereof, and shall have the same right without compensation to Fort William, over all streets on which any extension may hereafter be built and operated, pursuant to paragraph seven of this agreement.

No. 56.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Town of Port Arthur.

First Reading, , 1893.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 56.] **BILL.** [1893.

An Act respecting the Town of Port Arthur.

Preamble. WHEREAS, the town of Port Arthur has prayed for an Act confirming the order of the Lieutenant-Governor in Council in Schedule A hereto set out, and for special legislation in respect of the other enactments hereinafter contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation of order in council. **1.** The order of the Lieutenant-Governor in Council of the Province of Ontario bearing date the 31st day of December, A.D., 1892, (a copy whereof is appended as schedule "A" to this Act) is hereby confirmed and declared to be legal and valid to all intents and purposes and upon all persons and corporations affected thereby; Provided that it shall be lawful at all times for the municipal corporations affected thereby and mentioned therein to make any agreement between themselves as they may desire either in variation of the terms of the said order in council, or affecting matters not referred to in the said order in council respecting the Electric Street Railway mentioned in said order. Proviso.

Authority to rent surplus power. **2.** From and after the passing of this Act the corporation of the town of Port Arthur shall be enabled to lease or rent on such terms as the council of the corporation of the town of Port Arthur shall deem advisable any surplus electric power that the town of Port Arthur may have to any person or corporation for any purpose whatever.

Power to supply electric lighting. **3.** From and after the passing of this Act and subject as hereinafter mentioned the corporation of the town of Port Arthur is hereby empowered to do its own municipal electrical lighting whensoever it shall so desire, and also to supply electric light for domestic and commercial purposes to all persons and corporations desiring same, upon such terms as the council of the town of Port Arthur may deem advisable.

Power to contract for waterworks for thirty years. **4.** From and after the passing of this Act and subject as hereinafter mentioned the council of the corporation of the town of Port Arthur, may enter into a contract or contracts with any company or corporations for the construction of waterworks and the supply and consumption of water for municipal and domestic purposes, extending over any term or

period of not more than thirty years, notwithstanding any thing in *The Consolidated Municipal Act, 1892*, to the contrary. 55 V. c. 42.

Assent of electors required and settlement with Port Arthur Water, Light and Power Company.

5. The powers conferred by sections 3 and 4 of this Act shall not be exercised until after the council of the town of Port Arthur shall have first obtained the assent of the electors entitled to vote on money by-laws, and until an agreement shall have been entered into between the corporation of the said town of Port Arthur, and the Port Arthur Water, Light and Power Company, providing for the acquirement by the corporation of the electric system and plant of the said company upon terms mutually agreed upon, or in the event of failure to agree, upon such terms as to purchase price and otherwise as may be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1892*, nor until the contract between the said corporation and the said company as regards the supply of water shall have been put an end to by agreement or by arbitration as in the said contract provided. 55 V. c. 42.

Procedure where street railway sold and purchaser has not necessary corporate powers.

6. If at any time the said street railway is sold under the provisions of any mortgage thereof, or at the instance of the holders of any mortgage bonds or debentures for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person or corporation which has not any corporate powers authorizing the holding and operating thereof by such purchaser, the purchaser thereof shall transmit to the Provincial Secretary within ten days from the date of such purchase a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased, and naming the municipal corporation by which the same has been constructed and operated, including a copy of any writing preliminary to a conveyance of such railway and which has been made as evidence of such sale, and immediately upon the execution of any conveyance of such railway the purchaser shall also transmit a duplicate or authenticated copy of such conveyance, and shall furnish to the Provincial Secretary on request any further details or information which he may require.

Railway not to be operated until purchaser has given notice to Provincial Secretary.

7. Until the purchaser has given notice to the Provincial Secretary in manner and form as provided by the next preceding section, the purchaser shall not run or operate the railway so purchased or take, exact or receive any toll whatsoever in respect of any traffic thereon; but after said conditions are complied with, the purchaser may continue until the end of the next session of the Legislature of Ontario, to operate such railway and to take and receive such tolls thereon as the municipality previously owning or operating the same was allowed to take, and shall be subject in so far as they can be made applicable to the terms and conditions on which the said muni-

cipality operated the said road until he has received a letter of license from the Provincial Secretary, which letter the Provincial Secretary is hereby authorized to grant, defining the terms and conditions on which such railway shall be run by such purchaser during the said period.

Application to Legislature for necessary powers to operate railway.

8. Such purchaser shall apply to the Legislative Assembly of Ontario during the next following session after the purchase of said railway, or to the Lieutenant-Governor in Council, before the expiry of the same period, for an Act of incorporation or letters patent of incorporation, or other authority, to hold, operate, and run such railway, and the Provincial Secretary may extend the license to such railway to the end of the next following session of the Legislature of Ontario, in case such Act of incorporation or other authority has not meantime been obtained.

Rights of town of Fort William not affected.

9. The provisions of this Act shall in no way interfere with prejudice or affect the rights of the town of Fort William in and in respect to that portion of said railway lying within its limits, and in respect to the order in council by this Act declared to be valid, but the said purchasers under debentures as aforesaid shall be and continue bound by the agreements, restrictions and stipulations of the town of Port Arthur in respect to said railway with the town of Fort William, and shall, as regards the said town of Fort William, take the place of, and be entitled only to the rights of said town of Port Arthur, under such order in council and agreements with Fort William.

SCHEDULE "A."

COPY OF AN ORDER IN COUNCIL APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR, THE 31ST DAY OF DECEMBER, A.D. 1882.

Upon consideration of the report of the Honourable the Provincial Secretary, dated 28th December, 1892, the Committee of Council advise that pursuant to the provisions of section 5 cap. 82, 55 Vict., entitled "*An Act respecting the Town of Port Arthur*," the terms and conditions set forth in the schedule hereto annexed be approved of and imposed as the terms and conditions subject to which the Electric Street Railway of the Town of Port Arthur may be constructed, extended and operated into the Town of Fort William.

SCHEDULE.

1. The town of Port Arthur shall construct in a substantial manner the whole of the proposed line of railway into and partly through the town of Fort William to be finished to the point indicated on Frederica street in Fort William, the course of such line of railway being particularly described and defined as follows :—

Commencing at the present terminus of the said electric street railway on the Fort William road at the southern boundary of the town of Port Arthur, thence south-easterly and south-westerly along the Fort William road or Simpson street to its junction with Victoria avenue; thence west along said Victoria avenue to its intersection with Syndicate avenue; thence south along said Syndicate avenue to its junction with Main street; thence south-westerly along Main street to its junction with Hector street; thence south-westerly along said Hector street to its intersection with Victor street; thence west along said Victor street to its intersection with Spragge street; thence south along said Spragge street to its intersection with Frederica street; thence west along said Frederica street to the right of way of Port Arthur, Duluth and Western railway extension, being shown on plan made by A. L. Russell, P.L.S.

Port Arthur shall extend the said line of railway to the point indicated on Gore street, provided the right of way is procured by Fort William to reach Gore street *via* Edward street from the above terminus in order to avoid the crossing of the railway track of the Port Arthur, Duluth and Western railway. The railway is to be finished to a point indicated on Frederica street by the first of December, 1893, and if the right of way from Frederica street by Edward street to the aforesaid point on Gore street is procured by and at the expense of the town of Fort William to avoid said crossing by the first of August, 1893, then the line is to be completed to the point indicated in red ink on Gore street on said map by the first day of December, 1893. Provided, that if through any default on the part of Port Arthur the whole of the said line to the point aforesaid on Gore street be not completed and in running order and in operation by the said first day of December, 1893, then all the rights of Port Arthur under the Acts 55 Vict. chaps. 70 and 82 in respect of Fort William and its streets are declared to be forfeited, and the same as they stand at such period of forfeiture shall revert absolutely to Fort William aforesaid.

2. The gauge of the railway and all necessary sidings shall be the standard four feet eight and one-half inches, the rails to be "T," not lighter than forty pounds per yard, placed on ties to be connected with rail and cross-bonds, this being the gauge and character of the rails and manner of placing same adopted by Port Arthur.

The rails of the railway shall be laid (as nearly as practicable) flush with the streets, and the railway track shall conform with the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinay traffic of the street.

The town of Port Arthur shall at its own expense keep clear and in proper repair the street between the rails and for eighteen inches on each side of the rails, and in default the council of the municipality of Fort William may cause the same to be done at the expense and proper cost of the town of Port Arthur.

The electrical construction shall be the overhead trolley, supported by span wires between wooden poles placed on both sides of the streets. The poles on one side of the street to be provided with cross arms to support the main feeder wire, the construction to be similar to that now in use on Cumberland street, Port Arthur. On the construction of the railway within Fort William the material for the road-bed shall be the same as that used in the respective streets over which the railway runs.

3. The work to be done by the town of Port Arthur on the streets of the town of Fort William in connection with the construction of the said street railway is to be in accordance with the specifications following, that is to say:—

(*a*) The aligment, gradient and curvatures shall be the best the lines, levels and angles of the various streets over which the railway passes shall admit of.

(*b*) The road-bed shall be prepared by excavating the centre of the street to a depth of one foot below the surface by nine feet in width and levelled to a uniform surface to receive the ties which shall be placed two feet from centre to centre. The material cast out shall, after the ties and rails are placed, be tamped in so as to grade the street to within one inch of the surface or level of the rail, the material used in filling in and surfacing that portion of the street occupied by the railway shall be the same and of equal quality to that forming the road-bed of the street on either side.

A crossing shall be provided at the intersection of every street between Dease street and Ridgeway street in the town of Fort William, such crossing to consist of three-inch plank between the rails and extending twelve inches outside the rail on each side of the track. Like crossings shall also be hereafter provided and placed at such other intersec-

tions of streets as may from time to time be required by reason of the growth or increase of traffic on such intersecting streets.

A plank eight inches in width shall be placed along the outside of each rail, and a plank six inches in width shall be placed along the inside of each rail for the whole length of the line of railway in the town of Fort Willian, such plank to be so placed and the surface of the travelled roadway so brought up flush with it, so as to make provision for ordinary vehicles safely and conveniently crossing or turning upon the streets along which the street railway may be constructed.

(*c*) The ties shall be eight feet long, six inches thick and hewed to a uniform width of six inches on two opposite sides, the rails to be "T," not lighter than forty pounds to the lineal yard, well fastened at the joints with suitable fish plates and not less than four bolts to each joint. The rails of the railway shall be laid (as nearly as practicable) flush with the streets and the railway track shall conform with the grades of the same and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets.

(*d*) The overhead electric wire shall be suspended by span wires between wooden poles placed on both sides of the street. The poles on one side of the street to be provided with cross-arms to support the main feeder wire, the construction being similar to that now in use on Cumberland street, Port Arthur. Such work of construction and the repair and maintenance thereof after construction shall be to the satisfaction of William Murdock, Esquire, civil engineer, and in case of his death, absence or inability or unwillingness to perform the work, then to the satisfaction of such person as may be named by the Lieutenant-Governor in council, and in default of such repair and maintenance being done by Port Arthur, then Fort William shall be at liberty to do the same and charge the expense thereof to Port Arthur. It is further provided that the street railway now in operation in Port Arthur be so built, maintained, repaired, graded and ballasted as to be suitable and safe for travel on the first day of December, 1893.

4. When necessary, the town of Fort William shall have the right to take up and replace the streets traversed by the railway line for the purpose of altering the grades thereof, and constructing or repairing pavements, drains, sewers or conduits, and for laying down or repairing water or gas-pipes and for all other purposes within the powers of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith; provided, however, that the town of Fort William in carrying out said works shall not unnecessarily or unreasonably interfere with or delay the construction, repairs, running or operation of the said street railway.

5. The town of Port Arthur shall so keep their tracks within the municipality of Fort William clear of snow and ice as not

materially to interfere with the user of the streets in Fort William traversed by the railway lines; provided, however, that if it shall become impracticable by reason of heavy falls of snow or other natural causes, to keep the tracks and streets in Fort William as above indicated, the town of Port Arthur shall not be required to do more than can be reasonably done under the circumstances.

6. The said line of railway shall from the date of completion aforesaid be kept in running order and cars shall be run thereon daily (Sundays only excepted) continuously from the present northerly limit at Port Arthur to the limit of Frederica or Gore street as the case may be as follows :—

One car at least shall leave each limit between the hours of six and seven in the morning and one car at least between the hours of eight and nine in the evening of every week day, which shall run continuously through to the other end of the line from that at which the car started, and there shall be in addition not less than seven through trips each way per day so as to make in each day at least nine through continuous trips from one end of the line to the other. In case it shall appear that a more frequent service is required than the above and the said towns are unable to agree thereon, the same shall be referred to the Lieutenant-Governor in council whose direction in the matter shall be observed by Port Arthur.

Day cars to run on the said line from 6 a.m. until 9 p.m., the single cash fare for one continuous trip to be five cents and night cars to be ten cents cash. A class of tickts to be sold at the rate of eight for twenty-five cents, the same to be used for passengers entering the cars between 6 and 8 o'clock a m., and 5.30 and 7 o'clock p.m., and another class at the rate of six for twenty-five cents.

Children under nine years of age and not in arms to be carried at the rate of three cents per trip. Infants in arms to be carried free. School children are to have school tickets at the rate of ten for twenty-five cents, to be used only between 8 a.m. and 5 p.m., and not on Saturdays. The above rates may be varied with the joint consent of the respective councils of Port Arthur and Fort William.

In case the town of Port Arthur shall at any time cease to regularly use the whole or any part of the said railway within Fort William as provided for by this paragraph, for a period of six months, then the right to use the same within the municipality of Fort William shall be forfeited, and the said streets as they stand at such period of forfeiture shall revert absolutely to Fort William.

7. Such extensions within the limits of Fort William of the said line of railway as shall from time to time be found to be reasonable for the inhabitants of the town of Fort William shall on the request of the town of Fort William be from time to time made by Port Arthur, and if any dispute arises as to

the reasonableness and necessityfor such extension or extensions or any of them, the same shall be settled by the Lieutenant-Governor in council, who shall determine the temrs upon which and the time within which such extensions shall be constructed and completed in the event of the same being deemed reasonable and necessary as aforesaid, and the Lieutenant-Governor in council shall, in so determining, take into consideration the growth of the town of Fort William and increase of its population and the probability of such extensions affording a reasonable return for the cost of construction. And provided that in default of the said town of Port Arthur carrying out the decision of the said the Lieutenant-Governor in council in respect of any of such extensions for a period of six months after the expiration of the time limited for the completion thereof, all the rights of Port Arthur under the said sections of the Act aforesaid in respect of Fort William and its streets are declared to be forfeited, but the town of Port Arthur shall be at liberty to remove the said railway and its plant from the said streets, but it shall leave the said street in as good and substantial repair and condition as they were at the time of the construction of the said railway and any extensions thereof, and shall indemnify Fort William against all expense of removing the rails and putting the streets in proper repair.

8. At any time within the period of eight years after the first day of December, 1892, the town of Fort William shall have the right or option of becoming a joint owner in the said road with the town of Port Arthur, either to the extent of one-third or one-half interest as the town of Fort William shall elect. In case the town of Fort William shall elect to take one-third interest it shall have the appointment of one commissioner and the town of Port Arthur two commissioners, which said three commissioners shall manage the road for the joint interest of the owners. In case the town of Fort William shall elect to take a one-half interest in the road the road is to be managed by a commission and each of the towns of Fort William and Port Arthur is to have an equal voice in the appointment of such commissioners.

9. The town of Fort William, on giving one year's previous notice in writing to the town of Port Arthur shall have the right at the expiration of twenty years from the first day of December, 1893, so far as the line of railway and its connections and appurtenances within the town of Fort William are concerned to acquire the same on payment of such sum as may be mutually agreed on, but this shall not entitle Fort William to any right or interest in that portion of the line of railway and appurtenances situate within Port Arthur. In case the said towns cannot agree as to the value to be paid by Fort William to Port Arthur therefor, the same shall be settled by arbitration as provided in the Act respecting arbitration and references and the said arbitrators shall ascertain the actual

value to Fort William of the road-beds, rails, plant, overhead construction and appurtenances, having regard to the requirements of the various systems then in operation, and also the proportion of cars of different kinds which the said arbitrators may think under the circumstances Fort William should be compelled to take.

Provided further that in the event of Fort William purchasing the said street railway and appurtenances as aforesaid at the end of twenty years from the first of December, 1893, then and in such case and on payment of the purchase money therefor, all the rights of the town of Port Arthur made under Acts hereinbefore mentioned shall be at an end.

10. In case the corporation of Fort William fails to exercise the right of assuming the ownership of such portion of the railway as aforesaid at the expiration of the said twenty years the said corporation may exercise such rights on the same terms at the expiration of any five years thereafter, having previously thereto given one years' notice to the town of Port Arthur, and the rights and privileges of the town of Port Arthur shall continue until the ownership of such portion as aforesaid is assumed and paid for by Fort William.

11. In the event of Fort William becoming a joint owner under paragraph eight and subsequently exercising its right to purchase under paragraphs 9 and 10, the town of Port Arthur shall at the date of such purchase pay to Fort William the then value of Fort William's interest in the whole railway, such value to be settled by arbitration, and on the same basis as above provided in paragraph nine. In the event of the towns differing as to the same and thereupon the interest of Fort William in that part of the railway and its appurtenances situate within Port Arthur shall cease and determine.

12. All debentures issued heretofore or hereafter to be issued by the town of Port Arthur for the purpose of constructing and operating the said railway and any extensions thereof shall be a first preferential charge or lien on the said street railway property and shall also be a first charge or lien on the net income derived from the working and operating of the said street railway; provided, however, that in the event of Fort William purchasing the railway and its appurtenances situate within the town of Fort William at the expiration of said period of twenty years or at any period thereafter as above provided, then the portion of the said railway within Fort William and the road-bed, rails, plant, overhead construction, appurtenances and rolling stock so purchased by Fort William shall thereupon be released from all claim, lien or charge of such debentures on payment by Fort William of the amount agreed upon mutually or by arbitration as to the purchase thereof, and no such lien or charge shall in any way affect the position of Fort William so as to interfere with its dealing with Port Arthur in respect of the said railway in the

manner indicated in these proposals, and to interfere more particularly with Fort William obtaining the property of the railway within its territorial bounds on payment of the amount to be arranged by arbitration absolutely free of any claim or charge in respect of such debentures.

13. The town of Port Arthur shall be liable to and indemnify the town of Fort William against all damages arising out of the construction or operation of the said railway within the town of Fort William.

14. The property of or belonging to Port Arthur in connection with or incidental to the street railway, shall, during the continuance of this agreement, be exempt from taxation of every kind by said municipality of Fort William, and the income derived or arising from the operating and running of the railway shall also be exempt from taxation by Fort William during the like period.

15. All other ordinary vehicles may use and travel in the said tracks provided they do not interfere with or impede the running of the cars, or other conveyances of the street railway, and in all cases any carriage or other vehicle on the track shall immediately by leaving the track, give place to the cars or other conveyance of the railway.

16. The terms and provisions of section 52, sub-section 3 of *The Judicature Act* shall apply to all provisions as to forfeitures herein contained.

17. The town of Port Arthur shall be entitled without payment of any compensation therefor to Fort William, to the exclusive right for street railway purposes, of the streets mentioned in paragraph one hereof, and shall have the same right without compensation to Fort William, over all streets on which any extension may hereafter be built and operated, pursuant to paragraph seven of this agreement.

No. 56.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Town of Port Arthur.

First Reading, 25th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 57.] BILL. [1893.

An Act respecting the Town of Fort William and the Municipality of Neebing.

Preamble.

WHEREAS the corporations of the town of Fort William and of the municipality of Neebing, in the provisional judical district of Thunder Bay, have by their petition set forth that the corporation of the municipality of Neebing in the then territorial district of Thunder Bay, in the then provisional district of Algoma, was incorporated by an Act of this Legislature, passed in the 44th year of Her Majesty's reign, and chaptered 43 being thereby detached from the municipality of Shuniah, and that the corporation of the town of Fort William in the said judical district of Thunder Bay, was incorporated by an Act of this Legislature, passed in the 55th year of Her Majesty's reign, and chaptered 70, and thereby detached from the municipality of Neebing, and that by the said Act provision was made for the arrangement, apportionment and settlement of the debts, assets and liabilities referred to in the memorandum of agreement, report and by-law hereinafter mentioned and incorporated in the schedules to this Act, and that by the said memorandum of agreement, which was made on the 16th day of February, 1893, between the corporation of the municipality of Neebing thereto, of the first part, and the corporation of the town of Fort William, of the second part, the said municipalities settled and arranged between themselves the apportionment of the property, assets and the amount of the debenture debt and other liabilities of the municipality of Neebing to be assumed by each of the said municipalities respectively, and the terms on which it should be so assumed, which memorandum of agreement is set out in full in schedule "A" appended to this Act; and, whereas by the 4th and 5th paragraphs of the said memorandum of agreement the said town of Fort William is to pay the said municipality of Neebing the sum of seven thousand five hundred dollars on the terms therein set out; and, whereas, in pursuance of said agreement, and report of its committee the council of the corporation of the said town of Fort William did on the 7th day of March, 1893, pass a by-law to issue debentures to the amount of $7,500, which report and by-law are set out in the schedules "B" and "C" to this Act, and it is further witnessed that the said several municipal corporations, parties to the said agreement, agreed the one with the other that they would cause to be taken all proper and requisite means to have the said agreement and debentures issued thereunder ratified, legalized and confirmed by this

Legislature; and whereas, by the said petition it is set forth that the said agreement of the 16th day of February, 1893, and the by-law of the 7th day of March, 1893, being by-law No. 37 of the town of Fort William, and the debentures issued thereunder, should be legalized, validated and confirmed by this Legislature; and, whereas, by the said petition it is further set forth that the council of the said municipality of Neebing did on the 7th day of June, 1892, pass a by-law forming a school section in the ward or township of Paipoonge, known as school section Number 1, Paipoonge, and that a meeting of the ratepayers of the said school section was held on the 18th day of June following, when three trustees were elected for the said school section by acclamation; and whereas, doubts have been entertained as to whether said election was legal, and it is desirable to remove said doubts; and, whereas, the reeve of the said municipality of Neebing and the mayor of the said town of Fort William, have appeared and represented that no opposition exists in the said municipalities to the granting of the prayer of the said petition; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement, report and by-law confirmed.

1. The said memorandum of agreement of the 16th day of February 1893, made between the municipality of Neebing and the town of Fort William, and set out in full in the schedule "A" to this Act, and also the said report and by-law No. 37 of the town of Fort William, and the debentures to be issued thereunder, and referred to in the said agreement and set out in full in the schedules "B" and "C" respectively, to this Act, are hereby in all respects confirmed and made legal and valid for every purpose, object and intent.

Municipality of Neebing empowered to build sections of wagon road.

2. The corporation of the municipality of Neebing shall have power to build those sections of the wagon road mentioned in the 6th paragraph of said agreement, which are to be constructed without the corporate limits of the said municipality of Neebing and to pay for the said work out of the funds provided for the building of said wagon road.

Election of school trustees confirmed.

3. Notwithstanding any irregularities in the election of the trustees of school section No. 1, Paipoonge, held the 18th day of June, 1892, the said election is hereby legalized and confirmed and all acts and proceedings done and held by said trustees while holding office as said trustees are to be deemed to have been regularly and legally conducted.

SCHEDULE "A."

(Section 1.)

Memorandum of agreement made in triplicate this sixteenth day of February, one thousand eight hundred and ninety-three, between the corporation of the municipality of Neebing, of the first part, and the corporation of the town of Fort William, of the second part.

Whereas both of the said corporations were included in the municipality of Neebing.

And, whereas, by an Act of the Province of Ontario, passed in the 55th year of Her Majesty's regin, entitled *An Act to incorporate the Town of Fort William* the said town of Fort William was withdrawn from the said municipality of Neebing and constituted a body corporate under the name of the corporation of the town of Fort William.

And whereas, prior to the passing of the said Act the then existing debenture debt of the said municipality amounted in all to the sum of sixty-nine thousand dollars, ($69,000).

And whereas, by the 14th section of the said Act all assets, debts, liabilities and obligations of the said municipality of Neebing were to be apportioned between the two municipalities, as might be agreed upon.

And whereas, the said corporations have agreed to settle the amount of said assets, debts, liabilities and obligations as hereinafter set forth.

Now, therefore this agreement witnesseth as follows:—

(1) The said corporation of the second part for itself and its successors, assumes the payment of all the debentures issued by the corporation of the first part, under various by-laws, and amounting in all to the sum of fifty-eight thousand five hundred dollars ($58,500), the particulars of which are given in the schedule hereto, annexed, marked "A" with all interest thereon unpaid or to become due, and covenants and agrees to save harmless the said corporation of the first part and its successors from time to time and at all times hereafter, from and against all loss, costs, charges, damages and expenses which the said corporation of the first part or its successors may at any time hereafter sustain or be put to by reason of the said corporation of the second part, not paying the interest on the said assumed debentures as it falls due from time to time or not paying the assumed debentures at the maturity thereof.

(2) And the said corporation of the first part hereby assumes the payment of that portion of the debentures known as the Prince Arthur Landing and Kaministiquia railway debentures assumed by the said corporation of the first part under an agreement dated the sixth day of November, A. D. 1885, between the corporation of the municipality of Shuniah and the corporation of the first part, amounting to the sum of ten thousand five hundred dollars, ($10,500) together with all interest thereon to become due after the first day of January, one thousand eight hundred and ninety-three, and covenants and agrees to save harmless the said corporation of the second part, and its successors from time to time and at all times hereafter, from and against all loss, costs, charges, damages and expenses which the said corporation of the second part or its successors may at any time hereafter sustain or be put to by reason of the said corporation of the first part, not paying the interest on the said assumed debentures and the said debentures at the maturity thereof.

(3) All unpaid interest and sinking fund on debentures now past due (if any) to be paid by the corporation by whom the said debentures are assumed.

(4) The said corporation of the second part agrees to pay to the said corporation of the first part the sum of seven thousand five hundred dollars, which the said corporation of the first part agrees to apportion and pay out as follows, viz :—

Two thousand dollars to the townships of Blake, Crooks, Pardee and Paipoonge, and five thousand five hundred dollars to the township Neebing all of the said townships being comprised in the same municipality of Neebing.

(5) The said corporation of the first part agrees to accept in payment of the said sum of seven thousand five hundred dollars twenty year, five per cent. debentures of the said town of Fort William, which the corporation of the first part agrees to accept at par, but all expenses incurred in connection with an application to be made to the Legislature of the Province of Ontario to legalize said issue is to be borne by the said corporation of the second part.

(6) The said corporation of the first part agrees to build according to the specifications hereto annexed, marked "B" a wagon road from Vickers street in the town of Fort William, westerly along the road allowance between concessions two and three in the township of Neebing now in the town of Fort William, to lot number eleven, thence on the road allowance between concessions three and four to the side road between lots fifteen and sixteen, thence northerly along side road allowance to the boundary between the townships of McIntyre and Neebing thence northerly through the township of McIntyre until the said road meets what is known as the Oliver road, also along either Brown or Edward street in the said

town of Fort William until their extensions meet the said road between the second and third concessions, said road to be completed according to specifications by the first day of November, A. D. 1893.

7. The said corporation of the second part agrees to assume the position of the said corporation of the first part in the completion of a certain agreement entered into between the Canadian Pacific Railway Company and the said corporation of the first part, as to the right of way of said railway through the town of Fort William.

8. The said corporation of the first part agrees to pay one-fourth of the further expenses of George McDonald, an inmate of the Home for incurables in Toronto, the remaining three-fourths of said expenses to be assumed and paid by the said corporation of the second part.

9. All arrears of taxes on lands comprised in the said town of Fort William when collected, are to become the property and asset of the corporation of the second part.

10. The corporation of the first part is to transfer to the corporation of the second part all lands situated in the town of Fort William, now standing in the name of the corporation of the first part together with all title deeds and other documents relating thereto.

11. That all the streets, roads, crossings, sidewalks, and all permanent and other improvements shall become the property, and belong to the respective municipalities in which they are situated, also that the corporation of the first part will hand over to the corporation of the second part, all by-laws, documents and other papers exclusively affecting lands, streets, roads, crossings, side-walks and other permanent improvements situated in the town of Fort William.

12. All fire protection appliances and all band instruments are to be transferred by the corporation of the first part to the corporation of the second part, and are hereby acknowledged to be the property of the said corporation of the second part.

13. The corporation of the second part agrees to assume and pay the balance due, amounting to about five hundred and twelve dollars on a certain note for twelve hundred dollars made by the corporation of the first part to one John McKellar.

14. All debts and liabilities not herein or otherwise provided for are hereby considered paid and settled at the date of this agreement as between the said companies.

15. That all necessary expenses incurred in connection with the legalizing of this agreement, be borne equally by and between both corporations aforesaid.

16. It is expressly understood and agreed by and between the corporations hereto, that the terms of this agreement is a full and final settlement, and is made in pursuance of section 14 of the Act hereinbefore referred to being an Act to incor-

porate the town of Fort William, and each of said corporations hereby mutually covenants and agrees one with the other to do all necessary acts to carry out the intention of this agreement.

As witness, the hands of the reeve of the said municipality of Neebing and of the mayor of the said town of Fort William, and the hands of the several clerks of the said municipalities and of the several corporate seals thereof hereto attached.

(L.S.)

Attached, signed,
sealed and delivered
in the presence of
DONALD A. MCLEOD.

A. L. STEVENSON,
Reeve.
E. Q. RUTLEDGE,
Clerk.
JOHN MCKELLAR,
Mayor.
E. S. RUTLEDGE,
Clerk.

SCHEDULE "A."

Name of debenture.	Number of by-law.	Amount.
McKellar, Ward Improvement	114	$10,000
McKellar, Ward Improvement	123	20,000
Saw-mill	119	8,000
Foundry	95	1,200
Foundry	96	1,300
School	44	3,000
P. A. D. & W. Railway	99	15,000
		$58,500

SCHEDULE "B."

Specification of wagon road to be built in pursuance of annexed agreement.

From Vickers street to the east side of lot number nine on the second and third concession of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be ditched and graded up similar to the streets in the town of Fort William, making a road forty feet wide from outside to outside of ditches.

From east side of lot number nine to lot number sixteen on the third and fourth concessions of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be graded up with one ditch on the south side twenty feet from centre, and culverts put in with flatted timber in the small ravines crossing the road and leading down to the Neebing River.

From the Neebing River along the side road allowance between lots numbers fifteen and sixteen to the boundary between the townships of McIntyre and Neebing, and from the boundary of Neebing to the Oliver road.

Road allowance to be stumped twenty feet on each side of centre, the same to be ditched and graded up similar to the streets in the town of Fort William, with the exception of the Tamarac swamp on the fourth and fifth concessions of Neebing which shall be either ditched or corduroyed, if corduroy be used the corduroy to be sixteen feet wide, laid on three stringers.

All of the road allowance from Vickers street to the Oliver road to be chopped out the full width, viz. 66 feet, all timber and brush to be burnt or taken away.

BRIDGE.

The bridge across the Neebing river at lot sixteen on the fourth concession to be built sixteen feet wide, by driving four piles in a row five feet apart, and eighteen feet apart from each row, piles to be capped with 10 by 12 timber, and bents to be put upon the poles of a sufficient height to allow of an easy crossing, bents to be 10 by 10 in. timber securely bolted and capped and four stringers running across the bridge on top of bent, caps of 8 in. by 12 in. timber and spiked down to cap, covering of bridge to be either 3-inch plank or four-inch flatted timber, with a railing on each side of the bridge four feet high.

All timber to be used in the construction of the bridge to be either cedar, tamarac or pine.

SCHEDULE B.

(*Section 1.*)

Report of the committee appointed to meet with a committee of the council of the township of Neebing, and arrange a basis of settlement of all assets, debts, liabilities and obligations between the corporation of the municipality of Neebing and the corporation of the town of Fort William, in pursuance of section 14 of the Act passed in the 55th year of Her Majestys' reign, chaptered 70, entitled an Act to incorporate the town of Fort William.

1. Your committee beg to report that in pursuance of resolution No. 14 of your council held on the eighteenth day of October, 1892, they have been in communication with a committee appointed by the said council of the municipality of Neebing, on the twenty-second day of October, 1892, in regard to the said settlement and have after having taken all necessary accounts each made to the other certain proposals which to them seem most reasonable, an outline of which is hereunto annexed, and your committee recommend to the council that the same should be received, confirmed and adopted by the council and that an agreement should be entered into between the said corporations on the basis of the said proposals and a by-law passed forthwith by the council to raise by the issue of debentures of this corporation the sum of seven thousand five hundred dollars, to be paid to the said

corporation of the municipality of Neebing, and that an application be made forthwith to the Legislature of the Province of Ontario, to validate and confirm the said agreement, the said by-law and the debentures to be issued thereon.

(Sgd). JOHN MCKELLAR,
(Sgd). JOHN MORTON,
(Sgd). R. J. ARMSTRONG.

The town of Fort William proposes to assume the payment of all the debentures issued by the corporation of the municipality of Neebing, under various by-laws and amounting in all to the sum of $58,500, the particulars of which are given in the schedule hereto annexed, marked "A" with all interest theron unpaid or to become due.

2. The corporation of the municipality of Neebing proposes to assume the payment of that portion of the debentures assumed by the corporation of Neebing, under an agreement dated the 6th day of November, A.D. 1885, between the corporation of the municipality of Shuniah, and the said corporation of Neebing, amounting to the sum of $10,500, together with all interest thereon to become due after the first day of January, 1893.

3. All unpaid interest and sinking fund on the debentures now past due (if any) to be paid by the corporation by whom the said debentures are assumed.

4. The corporation of the town of Fort William proposes to pay to the corporation of the municipality of Neebing the sum of $7,500 which the said corporation of Neebing agrees to apportion and pay out as follows, viz:—

$2,000 to the townships of Blake, Crooks, Pardee and Paipoonge and $5,500 to the township of Neebing, all of the said townships being comprised in the said municipality of Neebing.

5. The corporation of the municipality of Neebing proposes to accept in payment of the said sum of $7,500 twenty year five per cent. debentures, of the said town of Fort William and agrees to accept same at par. But all expenses incurred in connection with an application to be made to the Legislature of the Province of Ontario, to legalize said issue is to be borne by the corporation of the town of Fort William.

6. The corporation of the municipality of Neebing proposes to build according to the specifications hereto annexed, marked "B" a wagon road from Vickers street in the town of Fort William westerly along the road allowance, between concessions two and three, in the township of Neebing, now in the town of Fort William to lot number eleven, thence on the road allowance between concession three and four to the side road between lots fifteen and sixteen, thence northerly along side road allowance to the boundary between the townships of McIntyre and Neebing, thence northerly through the town-

ship of McIntyre until the said road meets what is known as the Oliver road, also along either Brown or Edward street in the said town of Fort William until their extensions meet the said road between the second and third concessions, said road to be completed according to specifications by the first day of November A.D., 1893.

7. The corporation of the town of Fort William proposes to assume the position of the corporation of the municipality of Neebing in the completion of a certain agreement entered into between the Canadian Pacific Railway Company and the said municipality of Neebing as to the right of way of the said railway through the town of Fort William.

8. The corporation of the municipality of Neebing proposes to pay one-fourth of the further expenses of one George McDonald, an inmate of the Home for Incurables, in Toronto, and the said town of Fort William proposes to pay the remaining three-fourths of said expenses.

9. It is proposed between the said corporations that all arrears of taxes on lands comprised in the said town of Fort William when collected are to be the property and an asset of the corporation of the town of Fort William.

10. The corporation of the municipality of Neebing proposes to transfer to the town of Fort William all lands situated in the town of Fort William, now standing in the names of the corporation of the municipality of Neebing, together with all title deeds and other documents relating thereto.

11. It is proposed that all streets, roads, crossings, sidewalks and all permanent and other improvements shall become the property of and belong to the respective municipalities in which they are situated, also that the corporation of the municipality of Neebing will hand over to the corporation of the town of Fort William all by-laws, documents and other papers exclusively affecting lands, streets, roads, crossings, sidewalks and other permanent improvements situated in the town of Fort William.

12. It is proposed that all fire protection appliances and al band instruments are to be transferred by the municipality o Neebing to the town of Fort William.

13. The corporation of the town of Fort William proposes to assume and pay the balance due amounting to about $512 on a certain note for $1,200, made by the corporation of the municipality of Neebing to one John McKellar.

14. It is proposed by the said corporations that all necessary expenses incurred in connection with the legalizing of this agreement be borne equally by and between both corporations aforesaid.

(Sgd). ALEX. STEVENSON,
Chairman Neebing Council Committee.

(Sgd). JOHN MCKELLAR,
Chairman, Town of Fort William, Council Committee.

SCHEDULE "A."

Name of debenture.	No of by-law.	Amount.
McKellar Ward Improvement	114	$10,000 00
McKellar Ward Improvement.....	123	20,000 00
Saw-mill	119	8,000 00
Foundry	95	1,200 00
Foundry	96	1,300 00
School	44	3,000 00
P. A. D. & W. R. R.....	99	15,000 00
		$58,500 00

SCHEDULE "B"

Specifications of wagon road to be built in pursuance of annexed agreement.

From Vickers street to east side of lot number nine on the second and third concessions of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be ditched and graded up similar to the streets in the town of Fort William making a road forty feet wide from outside to outside of ditches.

From east side of lot number nine to lot number sixteen on the third and fourth concessions of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be graded up with one ditch on the south twenty feet from centre, and culverts put in with flatted timber in the small ravines crossing the road and leading down to the Neebing R.

From the Neebing river along the side road allowance between lots numbers fifteen and sixteen to the boundary between the township of McIntyre and Neebing and from the boundary of Neebing to the Oliver Road. Road allowance to be stumped twenty feet on each side of centre, the same to be ditched and graded up similar to the streets in Fort William with the exception of the tamarac swamp of the fourth and fifth concessions of Neebing which shall be either ditched or corduroyed, if corduroy be used the corduroy to be sixteen feet wide to be laid on three stringers. All the road allowances from Vickers street to the Oliver road to be chopped out the full width, viz. 66 feet all the timber and brush to be burnt or taken away.

Bridge.

The bridge across the Neebing river at lot sixteen on the fourth concession to be built sixteen feet wide by driving four piles in a row five feet apart, and eighteen feet apart from each row, piles to be capped with 10 by 12 inch timber and bents to be put upon the poles of a sufficient height to allow of easy crossing. Bents to be of 10 by 10 inch timber securely bolted and capped and four stringers running across the bridge on top of bents caps of 8 by 12 inch timber and spiked down to cap, covering of bridge to be either three-inch plank or 4 inch flatted timber with a railing on each side of bridge 4 feet high. All timber to be used in the construction of the bridge to be either cedar, tamarac or pine.

SCHEDULE "C."

(Section 1.)

Town of Fort William by-law No. 37.

A by-law to raise by the issue of debentures the sum of seven thousand five hundred dollars, in pursuance of a certain agreement dated the 16th day of February, 1893, and made between the corporations of the municipality of Neebing and of the corporation of the town of Fort William.

Whereas, by an Act of the Legislature of the Province of Ontario, passed in the 55th year of Her Majesty's reign, and chaptered 70, entitled "An Act to incorporate the town of Fort William," the said town of Fort William was separated from the said municipality of Neebing, and was constituted a corporation or body politic, under the name of the corporation of the town of Fort William.

And, whereas, by section 14 of the said Act, except as otherwise provided therein, it was provided that the property assets, debts, liabilities and obligations, of the said municipality of Neebing should be apportioned between the said municipality of Neebing and the said town of Fort William as might be agreed upon.

And, whereas, it was agreed among other things in the said agreement by and between the said corporations, that the said town of Fort William should pay to the said municipality of Neebing the sum of seven thousand five hundred dollars.

And, whereas, it is desirable and necessary to raise the said sum of seven thousand five hundred dollars for the purpose aforesaid by the issue and sale of the debentures of the said town of Fort William payable at the end of twenty years, with interest as hereinafter provided.

And, whereas, it will require the sum of three hundred and seventy-five dollars to be raised annually for a period of twenty years the currency of the said debentures, to be issued under and virtue of this by-law, to pay the interest of the said debt, and the sum of two hundred and fifty dollars to be raised annually during the same period for forming a sinking fund for the payment of the debt created by this by-law, at the end of the said twenty years when the said debentures shall have matured, making in all the sum of six hundred and twenty-five dollars, to be raised annually by special rate, sufficient therefor upon all ratable property of the municipality of the town of Fort William during the period of twenty years, the currency of the said debentures.

And, whereas, the whole amount of the whole ratable property of the said municipality of Neebing according to the last revised assessment roll amounts to one million and eighty-nine thousand two hundred and eighty-eight dollars, of which that part that has been incorporated into and made to form a part of the town of Fort William as above in part recited amounts to nine hundred and seventeen thousand three hundred and sixty-six dollars.

And, whereas, by section 16 of chapter 70, of 55 Victoria, the said Act to incorporate the town of Fort William it was enacted that the assessment roll for the municipality of Neebing for the year 1892 so far as the same effects the lands within the limits of the town of Fort William, would be to all intents and purposes as if the same were made by and in behalf of the said town of Fort William.

And, whereas, the existing debt of the municipality of Neebing amounts to sixty-nine thousand dollars and no principal or interest is in arrears, and it has been agreed by and between the said corporations by the said agreement that the said town of Fort William should accept and bear fifty-eight thousand and five hundred dollars thereof, and since the incorporation of the said town of Fort William the said town has incurred a debenture debt of the sum of eleven thousand dollars exclusive of local improvements of which no principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Fort Willam enacts as follows:—

1. It shall be lawful for the mayor of the said town of Fort Wiliam for the purpose aforesaid to borrow the sum of seven thousand five hundred dollars, and to issue the debentures of the said municipality to the amount of seven thousand five hundred dollars, in sums of not less than one hundred dollars each payable at the end of twenty years from the time on which this by-law takes effect, and to bear interest at a rate not exceeding five per cent. per annum payable half-yearly on the first days of January and July in each and every year during the currency of the said debentures.

2. The said debentures as to principal and interest shall be payable at the Bank of Montreal, Fort William, or at the office of the treasurer of the town of Fort William.

3. It shall be lawful for the mayor of the said municipality and he is hereby authorized and empowered to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied annually by a special rate on all ratable property in the said municipality the sum of three hundred and seventy-five dollars for the payment of the interest during the currency of the said debentures, and also the sum of two hundred and fifty dollars for the payment of the said debt.

5. That the said sum of seven thousand five hundred dollars when obtained shall be handed over to the said municipality of Neebing to be applied for the purposes above specified, and according to the true intent and meaning of this by-law and not otherwise.

This by-law shall take effect on the first day of July, 1893

(Sgd) JNO. MCKELLAR,
Mayor.

(Sgd) R. S. RUTLEDGE,
Clerk.

No 57.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Town of Fort William and the Municipality of Neebing.

First Reading, 1893.

(Private Bill.)

Mr. CONMEE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 57.] BILL. [1893.

An Act respecting the Town of Fort William and the Municipality of Neebing.

Preamble. WHEREAS the corporations of the town of Fort William and of the municipality of Neebing, in the provisional judical district of Thunder Bay, have by their petition set forth that the corporation of the municipality of Neebing in the then territorial district of Thunder Bay, in the then provisional district of Algoma, was incorporated by an Act of this Legislature, passed in the 44th year of Her Majesty's reign, and chaptered 43 being thereby detached from the municipality of Shuniah, and that the corporation of the town of Fort William in the said judical district of Thunder Bay, was incorporated by an Act of this Legislature, passed in the 55th year of Her Majesty's reign, and chaptered 70, and thereby detached from the municipality of Neebing, and that by the said Act provision was made for the arrangement, apportionment and settlement of the debts, assets and liabilities referred to in the memorandum of agreement, report and by-law hereinafter mentioned and incorporated in the schedules to this Act, and that by the said memorandum of agreement, which was made on the 16th day of February, 1893, between the corporation of the municipality of Neebing thereto, of the first part, and the corporation of the town of Fort William, of the second part, the said municipalities settled and arranged between themselves the apportionment of the property, assets and the amount of the debenture debt and other liabilities of the municipality of Neebing to be assumed by each of the said municipalities respectively, and the terms on which it should be so assumed, which memorandum of agreement is set out in full in schedule "A" appended to this Act; and, whereas by the 4th and 5th paragraphs of the said memorandum of agreement the said town of Fort William is to pay the said municipality of Neebing the sum of seven thousand five hundred dollars on the terms therein set out; and, whereas, in pursuance of said agreement, and report of its committee the council of the corporation of the said town of Fort William did on the 7th day of March, 1893, pass a by-law to issue debentures to the amount of $7,500, which report and by-law are set out in the schedules "B" and "C" to this Act, and it is further witnessed that the said several municipal corporations, parties to the said agreement, agreed the one with the other that they would cause to be taken all proper and requisite means to have the said agreement and debentures issued thereunder ratified, legalized and confirmed by this

Legislature; and whereas, by the said petition it is set forth that the said agreement of the 16th day of February, 1893, and the by-law of the 7th day of March, 1893, being by-law No. 37 of the town of Fort William, and the debentures issued thereunder, should be legalized, validated and confirmed by this Legislature; and, whereas, by the said petition it is further set forth that the council of the said municipality of Neebing did on the 7th day of June, 1892, pass a by-law forming a school section in the ward or township of Paipoonge, known as school section Number 1, Paipoonge, and that a meeting of the ratepayers of the said school section was held on the 18th day of June following, when three trustees were elected for the said school section by acclamation; and whereas, doubts have been entertained as to whether said election was legal, and it is desirable to remove said doubts; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement, report and by-law confirmed.

1. The said memorandum of agreement of the 16th day of February 1893, made between the municipality of Neebing and the town of Fort William, and set out in full in the schedule "A" to this Act, and also the said report and by-law No. 37 of the town of Fort William, and the debentures to be issued thereunder, and referred to in the said agreement and set out in full in the schedules "B" and "C" respectively, to this Act, are hereby in all respects confirmed and made legal and valid for every purpose, object and intent, and all payments in respect of debentures assumed or to be issued under the said agreement shall form a charge upon and be raised annually from all the ratable property of the municipality of the town of Fort William during the currency of the said debentures. Nothing in this section contained shall affect the question of costs of any action or proceeding now pending.

Municipality of Neebing empowered to build sections of wagon road.

2. The corporation of the municipality of Neebing shall have power to build those sections of the wagon road mentioned in the 6th paragraph of said agreement, which are to be constructed without the corporate limits of the said municipality of Neebing and to pay for the said work out of the funds provided for the building of said wagon road.

Election of school trustees confirmed.

3. Notwithstanding any irregularities in the election of the trustees of school section No. 1, Paipoonge, held the 18th day of June, 1892, the said election is hereby legalized and confirmed and all acts and proceedings done and held by said trustees while holding office as said trustees are to be deemed to have been regularly and legally conducted.

SCHEDULE "A."

(Section 1.)

Memorandum of agreement made in triplicate this sixteenth day of February, one thousand eight hundred and ninety-three, between the corporation of the municipality of Neebing, of the first part, and the corporation of the town of Fort William, of the second part.

Whereas both of the said corporations were included in the municipality of Neebing.

And, whereas, by an Act of the Province of Ontario, passed in the 55th year of Her Majesty's regin, entitled *An Act to incorporate the Town of Fort William* the said town of Fort William was withdrawn from the said municipality of Neebing and constituted a body corporate under the name of the corporation of the town of Fort William.

And whereas, prior to the passing of the said Act the then existing debenture debt of the said municipality amounted in all to the sum of sixty-nine thousand dollars, ($69,000).

And whereas, by the 14th section of the said Act all assets, debts, liabilities and obligations of the said municipality of Neebing were to be apportioned between the two municipalities, as might be agreed upon.

And whereas, the said corporations have agreed to settle the amount of said assets, debts, liabilities and obligations as hereinafter set forth.

Now, therefore this agreement witnesseth as follows:—

(1) The said corporation of the second part for itself and its successors, assumes the payment of all the debentures issued by the corporation of the first part, under various by-laws, and amounting in all to the sum of fifty-eight thousand five hundred dollars ($58,500), the particulars of which are given in the schedule hereto, annexed, marked "A" with all interest thereon unpaid or to become due, and covenants and agrees to save harmless the said corporation of the first part and its successors from time to time and at all times hereafter, from and against all loss, costs, charges, damages and expenses which the said corporation of the first part or its successors may at any time hereafter sustain or be put to by reason of the said corporation of the second part, not paying the interest on the said assumed debentures as it falls due from time to time or not paying the assumed debentures at the maturity thereof,

(2) And the said corporation of the first part hereby assumes the payment of that portion of the debentures known as the Prince Arthur Landing and Kaministiquia railway debentures assumed by the said corporation of the first part under an agreement dated the sixth day of November, A. D. 1885, between the corporation of the municipality of Shuniah and the corporation of the first part, amounting to the sum of ten thousand five hundred dollars, ($10,500) together with all interest thereon to become due after the first day of January, one thousand eight hundred and ninety-three, and covenants and agrees to save harmless the said corporation of the second part, and its successors from time to time and at all times hereafter, from and against all loss, costs, charges, damages and expenses which the said corporation of the second part or its successors may at any time hereafter sustain or be put to by reason of the said corporation of the first part, not paying the interest on the said assumed debentures and the said debentures at the maturity thereof.

(3) All unpaid interest and sinking fund on debentures now past due (if any) to be paid by the corporation by whom the said debentures are assumed.

(4) The said corporation of the second part agrees to pay to the said corporation of the first part the sum of seven thousand five hundred dollars, which the said corporation of the first part agrees to apportion and pay out as follows, viz :—

Two thousand dollars to the townships of Blake, Crooks Pardee and Paipoonge, and five thousand five hundred dollars to the township Neebing all of the said townships being comprised in the same municipality of Neebing.

(5) The said corporation of the first part agrees to accept in payment of the said sum of seven thousand five hundred dollars twenty year, five per cent. debentures of the said town of Fort William, which the corporation of the first part agrees to accept at par, but all expenses incurred in connection with an application to be made to the Legislature of the Province of Ontario to legalize said issue is to be borne by the said corporation of the second part.

(6) The said corporation of the first part agrees to build according to the specifications hereto annexed, marked "B" a wagon road from Vickers street in the town of Fort William, westerly along the road allowance between concessions two and three in the township of Neebing now in the town of Fort William, to lot number eleven, thence on the road allowance between concessions three and four to the side road between lots fifteen and sixteen, thence northerly along side r ad allowance to the boundary between the townships of McIntyre and Neebing thence northerly through the township of McIntyre until the said road meets what is known as the Oliver road, also along either Brown or Edward street in the said

town of Fort William until their extensions meet the said road between the second and third concessions, said road to be completed according to specifications by the first day of November, A. D. 1893.

7. The said corporation of the second part agrees to assume the position of the said corporation of the first part in the completion of a certain agreement entered into between the Canadian Pacific Railway Company and the said corporation of the first part, as to the right of way of said railway through the town of Fort William.

8. The said corporation of the first part agrees to pay one-fourth of the further expenses of George McDonald, an inmate of the Home for incurables in Toronto, the remaining three-fourths of said expenses to be assumed and paid by the said corporation of the second part.

9. All arrears of taxes on lands comprised in the said town of Fort William when collected, are to become the property and asset of the corporation of the second part.

10. The corporation of the first part is to transfer to the corporation of the second part all lands situated in the town of Fort William, now standing in the name of the corporation of the first part together with all title deeds and other documents relating thereto.

11. That all the streets, roads, crossings, sidewalks, and all permanent and other improvements shall become the property, and belong to the respective municipalities in which they are situated, also that the corporation of the first part will hand over to the corporation of the second part, all by-laws, documents and other papers exclusively affecting lands, streets, roads, crossings, side-walks and other permanent improvements situated in the town of Fort William.

12. All fire protection appliances and all band instruments are to be transferred by the corporation of the first part to the corporation of the second part, and are hereby acknowledged to be the property of the said corporation of the second part.

13. The corporation of the second part agrees to assume and pay the balance due, amounting to about five hundred and twelve dollars on a certain note for twelve hundred dollars made by the corporation of the first part to one John McKellar.

14. All debts and liabilities not herein or otherwise provided for are hereby considered paid and settled at the date of this agreement as between the said companies.

15. That all necessary expenses incurred in connection with the legalizing of this agreement, be borne equally by and between both corporations aforesaid.

16. It is expressly understood and agreed by and between the corporations hereto, that the terms of this agreement is a full and final settlement, and is made in pursuance of section 14 of the Act hereinbefore referred to being an Act to incor-

porate the town of Fort William, and each of said corporations hereby mutually covenants and agrees one with the other to do all necessary acts to carry out the intention of this agreement.

As witness, the hands of the reeve of the said municipality of Neebing and of the mayor of the said town of Fort William, and the hands of the several clerks of the said municipalities and of the several corporate seals thereof hereto attached.

(L.S.)

Attached, signed, sealed and delivered in the presence of DONALD A. McLEOD.

A. L. STEVENSON, Reeve.
E. Q. RUTLEDGE, Clerk.
JOHN McKELLAR, Mayor.
E. S. RUTLEDGE, Clerk.

SCHEDULE "A."

Name of debenture.	Number of by-law.	Amount.
McKellar, Ward Improvement	114	$10,000
McKellar, Ward Improvement	123	20,000
Saw-mill	119	8,000
Foundry	95	1,200
Foundry	96	1,300
School	44	3,000
P. A. D. & W. Railway	99	15,000
		$58,500

SCHEDULE "B."

Specification of wagon road to be built in pursuance of annexed agreement.

From Vickers street to the east side of lot number nine on the second and third concession of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be ditched and graded up similar to the streets in the town of Fort William, making a road forty feet wide from outside to outside of ditches.

From east side of lot number nine to lot number sixteen on the third and fourth concessions of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be graded up with one ditch on the south side twenty feet from centre, and culverts put in with flatted timber in the small ravines crossing the road and leading down to the Neebing River.

From the Neebing River along the side road allowance between lots numbers fifteen and sixteen to the boundary between the townships of McIntyre and Neebing, and from the boundary of Neebing to the Oliver road.

Road allowance to be stumped twenty feet on each side of centre, the same to be ditched and graded up similar to the streets in the town of Fort William, with the exception of the Tamarac swamp on the fourth and fifth concessions of Neebing which shall be either ditched or corduroyed, if corduroy be used the corduroy to be sixteen feet wide, laid on three stringers.

All of the road allowance from Vickers street to the Oliver road to be chopped out the full width, viz. 66 feet, all timber and brush to be burnt or taken away.

BRIDGE.

The bridge across the Neebing river at lot sixteen on the fourth concession to be built sixteen-feet wide, by driving four piles in a row five feet apart, and eighteen feet apart from each row, piles to be capped with 10 by 12 timber, and bents to be put upon the poles of a sufficient height to allow of an easy crossing, bents to be 10 by 10 in. timber securely bolted and capped and four stringers running across the bridge on top of bent, caps of 8 in. by 12 in. timber and spiked down to cap, covering of bridge to be either 3-inch plank or four-inch flatted timber, with a railing on each side of the bridge four feet high.

All timber to be used in the construction of the bridge to be either cedar, tamarac or pine.

SCHEDULE B.

(Section 1.)

Report of the committee appointed to meet with a committee of the council of the township of Neebing, and arrange a basis of settlement of all assets, debts, liabilities and obligations between the corporation of the municipality of Neebing and the corporation of the town of Fort William, in pursuance of section 14 of the Act passed in the 55th year of Her Majestys' reign, chaptered 70, entitled an Act to incorporate the town of Fort William.

1. Your committee beg to report that in pursuance of resolution No. 14 of your council held on the eighteenth day of October, 1892, they have been in communication with a committee appointed by the said council of the municipality of Neebing, on the twenty-second day of October, 1892, in regard to the said settlement and have after having taken all necessary accounts each made to the other certain proposals which to them seem most reasonable, an outline of which is hereunto annexed, and your committee recommend to the council that the same should be received, confirmed and adopted by the council and that an agreement should be entered into between the said corporations on the basis of the said proposals and a by-law passed forthwith by the council to raise by the issue of debentures of this corporation the sum of seven thousand five hundred dollars, to be paid to the said

corporation of the municipality of Neebing, and that an application be made forthwith to the Legislature of the Province of Ontario, to validate and confirm the said agreement, the said by-law and the debentures to be issued thereon.

(Sgd). JOHN MCKELLAR,
(Sgd). JOHN MORTON,
(Sgd). R. J. ARMSTRONG.

The town of Fort William proposes to assume the payment of all the debentures issued by the corporation of the municipality of Neebing, under various by-laws and amounting in all to the sum of $58,500, the particulars of which are given in the schedule hereto annexed, marked "A" with all interest theron unpaid or to become due.

2. The corporation of the municipality of Neebing proposes to assume the payment of that portion of the debentures assumed by the corporation of Neebing, under an agreement dated the 6th day of November, A.D. 1885, between the corporation of the municipality of Shuniah, and the said corporation of Neebing, amounting to the sum of $10,500, together with all interest thereon to become due after the first day of January, 1893.

3. All unpaid interest and sinking fund on the debentures now past due (if any) to be paid by the corporation by whom the said debentures are assumed.

4. The corporation of the town of Fort William proposes to pay to the corporation of the municipality of Neebing the sum of $7,500 which the said corporation of Neebing agrees to apportion and pay out as follows, viz:—

$2,000 to the townships of Blake, Crooks, Pardee and Paipoonge and $5,500 to the township of Neebing, all of the said townships being comprised in the said municipality of Neebing.

5. The corporation of the municipality of Neebing proposes to accept in payment of the said sum of $7,500 twenty year five per cent. debentures, of the said town of Fort William and agrees to accept same at par. But all expenses incurred in connection with an application to be made to the Legislature of the Province of Ontario, to legalize said issue is to be borne by the corporation of the town of Fort William.

6. The corporation of the municipality of Neebing proposes to build according to the specifications hereto annexed, marked "B" a wagon road from Vickers street in the town of Fort William westerly along the road allowance, between concessions two and three, in the township of Neebing, now in the town of Fort William to lot number eleven, thence on the road allowance between concession three and four to the side road between lots fifteen and sixteen, thence northerly along side road allowance to the boundary between the townships of McIntyre and Neebing, thence northerly through the town-

ship of McIntyre until the said road meets what is known as the Oliver road, also along either Brown or Edward street in the said town of Fort William until their extensions meet the said road between the second and third concessions, said road to be completed according to specifications by the first day of November A.D., 1893.

7. The corporation of the town of Fort William proposes to assume the position of the corporation of the municipality of Neebing in the completion of a certain agreement entered into between the Canadian Pacific Railway Company and the said municipality of Neebing as to the right of way of the said railway through the town of Fort William.

8. The corporation of the municipality of Neebing proposes to pay one-fourth of the further expenses of one George McDonald, an inmate of the Home for Incurables, in Toronto, and the said town of Fort William proposes to pay the remaining three-fourths of said expenses.

9. It is proposed between the said corporations that all arrears of taxes on lands comprised in the said town of Fort William when collected are to be the property and an asset of the corporation of the town of Fort William.

10. The corporation of the municipality of Neebing proposes to transfer to the town of Fort William all lands situated in the town of Fort William, now standing in the names of the corporation of the municipality of Neebing, together with all title deeds and other documents relating thereto.

11. It is proposed that all streets, roads, crossings, sidewalks and all permanent and other improvements shall become the property of and belong to the respective municipalities in which they are situated, also that the corporation of the municipality of Neebing will hand over to the corporation of the town of Fort William all by-laws, documents and other papers exclusively affecting lands, streets, roads, crossings, sidewalks and other permanent improvements situated in the town of Fort William.

12. It is proposed that all fire protection appliances and all band instruments are to be transferred by the municipality of Neebing to the town of Fort William.

13. The corporation of the town of Fort William proposes to assume and pay the balance due amounting to about $512 on a certain note for $1,200, made by the corporation of the municipality of Neebing to one John McKellar.

14. It is proposed by the said corporations that all necessary expenses incurred in connection with the legalizing of this agreement be borne equally by and between both corporations aforesaid.

(Sgd). ALEX. STEVENSON,
Chairman Neebing Council Committee.

(Sgd). JOHN MCKELLAR,
Chairman, Town of Fort William, Council Committee.

2-57

SCHEDULE "A."

Name of debenture.	No of by-law.	Amount.
McKellar Ward Improvement	114	$10,000 00
McKellar Ward Improvement.....	123	20,000 00
Saw-mill.	119	8,000 00
Foundry.....	95	1,200 00
Foundry	96	1,300 00
School	44	3,000 00
P. A. D. & W. R. R.....	99	15,000 00
		$58,500 00

SCHEDULE "B"

Specifications of wagon road to be built in pursuance of annexed agreement.

From Vickers street to east side of lot number nine on the second and third concessions of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be ditched and graded up similar to the streets in the town of Fort William making a road forty feet wide from outside to outside of ditches.

From east side of lot number nine to lot number sixteen on the third and fourth concessions of Neebing.

Road allowance to be stumped twenty feet wide on each side of centre, the same to be graded up with one ditch on the south twenty feet from centre, and culverts put in with flatted timber in the small ravines crossing the road and leading down to the Neebing R.

From the Neebing river along the side road allowance between lots numbers fifteen and sixteen to the boundary between the township of McIntyre and Neebing and from the boundary of Neebing to the Oliver Road. Road allowance to be stumped twenty feet on each side of centre, the same to be ditched and graded up similar to the streets in Fort William with the exception of the tamarac swamp of the fourth and fifth concessions of Neebing which shall be either ditched or corduroyed, if corduroy be used the corduroy to be sixteen feet wide to be laid on three stringers. All the road allowances from Vickers street to the Oliver road to be chopped out the full width, viz. 66 feet all the timber and brush to be burnt or taken away.

Bridge.

The bridge across the Neebing river at lot sixteen on the fourth concession to be built sixteen feet wide by driving four piles in a row five feet apart, and eighteen feet apart from each row, piles to be capped with 10 by 12 inch timber and bents to be put upon the poles of a sufficient height to allow of easy crossing. Bents to be of 10 by 10 inch timber securely bolted and capped and four stringers running across the bridge on top of bents caps of 8 by 12 inch timber and spiked down to cap, covering of bridge to be either three-inch plank or 4 inch flatted timber with a railing on each side of bridge 4 feet high. All timber to be used in the construction of the bridge to be either cedar, tamarac or pine.

SCHEDULE "C."

(Section 1.)

Town of Fort William by-law No. 37.

A by-law to raise by the issue of debentures the sum of seven thousand five hundred dollars, in pursuance of a certain agreement dated the 16th day of February, 1893, and made between the corporations of the municipality of Neebing and of the corporation of the town of Fort William.

Whereas, by an Act of the Legislature of the Province of Ontario, passed in the 55th year of Her Majesty's reign, and chaptered 70, entitled "An Act to incorporate the town of Fort William," the said town of Fort William was separated from the said municipality of Neebing, and was constituted a corporation or body politic, under the name of the corporation of the town of Fort William.

And, whereas, by section 14 of the said Act, except as otherwise provided therein, it was provided that the property assets, debts, liabilities and obligations, of the said municipality of Neebing should be apportioned between the said municipality of Neebing and the said town of Fort William as might be agreed upon.

And, whereas, it was agreed among other things in the said agreement by and between the said corporations, that the said town of Fort William should pay to the said municipality of Neebing the sum of seven thousand five hundred dollars.

And, whereas, it is desirable and necessary to raise the said sum of seven thousand five hundred dollars for the purpose aforesaid by the issue and sale of the debentures of the said town of Fort William payable at the end of twenty years, with interest as hereinafter provided.

And, whereas, it will require the sum of three hundred and seventy-five dollars to be raised annually for a period of twenty years the currency of the said debentures, to be issued under and virtue of this by-law, to pay the interest of the said debt, and the sum of two hundred and fifty dollars to be raised annually during the same period for forming a sinking fund for the payment of the debt created by this by-law, at the end of the said twenty years when the said debentures shall have matured, making in all the sum of six hundred and twenty-five dollars, to be raised annually by special rate, sufficient therefor upon all ratable property of the municipality of the town of Fort William during the period of twenty years, the currency of the said debentures.

And, whereas, the whole amount of the whole ratable property of the said municipality of Neebing according to the last revised assessment roll amounts to one million and eighty-nine thousand two hundred and eighty-eight dollars, of which that part that has been incorporated into and made to form a part of the town of Fort William as above in part recited amounts to nine hundred and seventeen thousand three hundred and sixty-six dollars.

And, whereas, by section 16 of chapter 70, of 55 Victoria, the said Act to incorporate the town of Fort William it was enacted that the assessment roll for the municipality of Neebing for the year 1892 so far as the same effects the lands within the limits of the town of Fort William, would be to all intents and purposes as if the same were made by and in behalf of the said town of Fort William.

And, whereas, the existing debt of the municipality of Neebing amounts to sixty-nine thousand dollars and no principal or interest is in arrears, and it has been agreed by and between the said corporations by the said agreement that the said town of Fort William should accept and bear fifty-eight thousand and five hundred dollars thereof, and since the incorporation of the said town of Fort William the said town has incurred a debenture debt of the sum of eleven thousand dollars exclusive of local improvements of which no principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Fort Willam enacts as follows:—

1. It shall be lawful for the mayor of the said town of Fort Wiliam for the purpose aforesaid to borrow the sum of seven thousand five hundred dollars, and to issue the debentures of the said municipality to the amount of seven thousand five hundred dollars, in sums of not less than one hundred dollars each payable at the end of twenty years from the time on which this by-law takes effect, and to bear interest at a rate not exceeding five per cent. per annum payable half-yearly on the first days of January and July in each and every year during the currency of the said debentures.

2. The said debentures as to principal and interest shall be payable at the Bank of Montreal, Fort William, or at the office of the treasurer of the town of Fort William.

3. It shall be lawful for the mayor of the said municipality and he is hereby authorized and empowered to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied annually by a special rate on all ratable property in the said municipality the sum of three hundred and seventy-five dollars for the payment of the interest during the currency of the said debentures, and also the sum of two hundred and fifty dollars for the payment of the said debt.

5. That the said sum of seven thousand five hundred dollars when obtained shall be handed over to the said municipality of Neebing to be applied for the purposes above specified, and according to the true intent and meaning of this by-law and not otherwise.

This by-law shall take effect on the first day of July, 1893

(Sgd) JNO. MCKELLAR,
Mayor.

(Sgd) R. S. RUTLEDGE,
Clerk.

No 57.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Town of Fort William and the Municipality of Neebing.

First Reading, 26th April, 1893.
Second " 10th May, 1893.

(Reprinted as amended in Committee of the Whole House.)

(Private Bill.)

Mr. CONMEE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 58.] BILL. [1893.

An Act to incorporate the Village of Hamilton Beach.

Preamble.

WHEREAS the property owners and residents on Burlington Beach, in the township of Saltfleet, have, by their petition, represented that although the said settlement has not the number of inhabitants permanently resident therein requisite to procure incorporation under *The Consolidated Municipal Act, 1892*, yet, that during the summer months, a very large number of persons who have built handsome and expensive residences reside upon the said beach, and the number of such residents is very rapidly increasing, and the beach is now assuming the position of a most desirable summer resort; and whereas the said residents have petitioned to be separated from the township of Saltfleet and formed into a separate village, and have, by their said petition, represented that the incorporation of the said village would promote its future progress and enable its inhabitants to make suitable regulations, for the care and improvement of property, for fire and police protection, for pure water supply, drainage and other sanitary arrangements, lighting, street watering and other objects necessary and desirable in a thickly populated suburban community as distinguished from a purely agricultural district, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. On and after the passing of this Act the property owners and inhabitants of Burlington Beach within the boundaries hereinafter mentioned and described shall be and they are hereby constituted a corporation or body politic under the name of "The Municipal Corporation of the Village of Hamilton Beach," and shall have and enjoy all the rights, powers and privileges enjoyed and exercised by incorporated villages in the Province of Ontario under the existing municipal laws of the said Province and any amendments which may be passed affecting the same except where otherwise provided by this Act.

Boundaries.

2. The said village of Hamilton Beach shall be comprised and contained within the following boundaries, namely:— On the north by the dividing line between the township of Saltfleet and the county of Halton; on the east by lake Ontario; on the west by the waters of Burlington bay, and on the south by a line extending from the waters of lake Ontario to the waters of Burlington bay on the line of the northern boundary of the city of Hamilton filtering basin.

First election.

3. On the third Saturday after the passing of this Act it shall be lawful for John Hughes, postmaster at Burlington Beach, who is hereby appointed the returning officer, after giving notice thereof or after notice thereof is given by public advertisement in a newspaper published in the county of Wentworth for at least one week, to hold the nomination for the first election of reeve and four councillors at the post office in the said village of Hamilton Beach, at the hour of four o'clock in the afternoon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at said nomination, and may select some other place to hold said nomination, and such chairman shall have all the powers of a returning officer, and the polling for said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place at which the polling shall take place.

Qualification at first election.

4. For the first election the qualification of electors and of the reeve and councillors for the said village shall be the same as that required in villages.

Clerk of township of Saltfleet to furnish copies of assessment and collector's rolls.

5. The clerk of the township of Saltfleet shall furnish the said returning officer, upon demand being made upon him for the same, with a certified copy of so much of the last revised assessment roll of the said township as may be necessary to ascertain the names of persons entitled to vote at such first election, or with the collector's roll or any other writing or statement that may be required for that purpose.

First meeting of council.

6. The reeve and councillors so to be elected shall hold their first meeting at some suitable place in the said village at eight o'clock in the evening of the same day of the week next following the polling, and if there shall not be any polling, then on the same day of the week next following the nomination.

Persons elected to make declarations of office, etc.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office of qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in villages.

Liability of village for existing debts of Saltfleet.

55 V. c. 48.

8. The said village of Hamilton Beach shall remain liable for its proportion of the existing debts, liabilities and obligations of the township of Saltfleet, and such proportion shall be acertained and based upon an equalization of the assessment of the said village with the assessment of the said township of Saltfleet in the manner prescribed in *The Consolidated Assessment Act, 1892*, for the equalization of the assessment

of the several municipalities by a county council before striking a county rate, and shall in like manner be liable for its proportion of county rates as a separate municipality.

Assessment made by township for current year to be adopted by village.

9. The assessment for the current year commenced by the township of Saltfleet shall be adopted by the said village of Hamilton Beach, and the clerk of the said township of Saltfleet shall furnish to the said village of Hamilton Beach a certified copy of so much of said assessment roll as may apply to said village after the same is finally revised according to *The Consolidated Assessment Act, 1892*, and the taxes for the current year shall be levied upon such assessment.

55 V. c. 48.

School matters.

10. Until the number of children permanently resident in the said village eligible to attend school is sufficient to necessitate or warrant the erection of a school-house and the establishment of a school in the said village under *The Public Schools Act, 1891*, the said village for all such school purposes shall be deemed to be united to the township of Saltfleet and shall pay its *pro rata* share of the taxes to be levied in and for the school section to which the said village is attached, such taxes to be based on the assessment as equalized with the assessment of the township of Saltfleet as hereinbefore provided.

54 V. c. 55.

By-laws in force in township continued in village.

11. All by-laws which are in force in the township of Saltfleet shall continue and be in force in the said village of Hamilton Beach, and shall extend to and have full effect within the limits of the village hereby incorporated until repealed by the new corporation.

Arrears of taxes.

12. All arrears of taxes at the time of the passing of this Act shall be the property of the township of Saltfleet, who shall have the same power to collect the same as if this Act had not been passed.

Expenses of incorporation.

13. The expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said village or otherwise shall be borne by the the said village and be paid to any person or persons entitled thereto.

Application of general provisions of 55 V. c. 42.

14. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1892*, and of all other general Acts respecting municipal institutions with regard to matters consequent on the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the village of Hamilton Beach in the same manner as they would have been applicable had the said village of Hamilton Beach been incorporated under the provisions of the said *Consolidated Municipal Act, 1892.*

No. 58.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Village of Hamilton Beach

First Reading, 1893.

(Private Bill.)

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 58]. **BILL.** [1893.

An Act respecting Hamilton Beach.

Preamble.

WHEREAS a large number of the property owners and summer residents on Burlington Beach, in the township of Saltfleet have by their petition represented that the position of *that portion of the said township* hereinafter described is very exceptional, inasmuch as it is very rapidly assuming the position of a suburban district, a large number of people having built handsome and expensive residences for occupation in the summer months, and that such settlement and occupation of the said Beach is rapidly increasing and that it has become absolutely necessary for its future progress and the health, comfort and protection of the residents, that the inhabitants of such portions of the township of Saltfleet shall have special powers to make suitable regulations for the care and improvement of property, for fire and police protection, for pure water supply, drainage and other sanitary arrangements, lighting, street watering and other objects necessary and desirable in a thickly populated suburban community as distinguished from a purely agricultural district, and in furtherance of such objects, and to carry them into effect, have *prayed for an Act* for the incorporation as a village, of the *territory* comprised and contained within the following boundaries, namely: on the north by the dividing line between the township of Saltfleet, and the county of Halton; on the east by lake Ontario; on the west by the waters of Burlington bay; and on the south by a line extending from the waters of lake Ontario to the waters of Burlington bay on the line of the northern boundary of the city of Hamilton filtering basin; and whereas the corporation of the township of Saltfleet *have opposed the incorporation of the said territory as a separate municipality but* are desirous of affording such Beach residents every reasonable assistance in carrying out the objects aforesaid, and in order to prevent the detaching of the Beach from the said township of Saltfleet have *assented to the provisions hereinafter contained for the* purposes aforesaid, and it is expedient to ratify and confirm such arrangements;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Beach commissioners to be elected.

1. At the *time and in the manner hereinafter mentioned*, the electors within the boundaries hereinbefore defined and hereinafter referred to as the Beach, shall elect three commissioners, *who shall be called Beach Commissioners*, one of

whom shall be elected from the summer residents at the Beach, holding under lease from the city of Hamilton, and another of whom shall be elected from the summer residents at the Beach, holding under patent from the Government, *and the third of whom shall be elected from the permanent residents of the Beach.* The *said commissioners* shall in no way form part of the township council, but their duties shall be as follows:—

Duties of commissioners.

(*a*) They shall be *ex-officio* justices of the peace *in and for the said territory.*

(*b*) They shall direct how the taxes levied on the Beach shall be expended to the best advantage, in order to carry out the objects before-mentioned.

(*c*) The township council *shall* pass such by-laws as may be necessary to exempt the Beach from the operation of by-laws which may now be in force, *or may hereafter be passed* and *shall* insert in any by-laws hereafter passed and which may be inapplicable in the whole or in part to the Beach, a clause exempting the Beach from the operation of such by-laws or limiting the operation to such portions thereof as may *be applicable.*

Mode of election, term of office.

2. The election of such Beach commissioners shall be as nearly as possible the same as the election of township councillors. Should more than three be nominated and balloted for at the first election, the three receiving *the* highest number of votes shall be the commissioners, provided that amongst such three there is one summer resident holding under lease from the city of Hamilton, one summer resident holding under patent from the Government as before provided, *and one permanent resident as aforesaid,* but should it happen that in such election no one representing each of such classes of residents should be amongst the three holding the greatest number of votes, the candidate in each of such classes holding the highest number of votes in his class, though not amongst the first three, shall be the commissioner in each class respectively, but all such commissioners shall have equal authority. The first election shall be for three commissioners to serve for one, two and three years respectively, the commissioner holding the highest number of votes to hold office for three years, the commissioner holding the next highest number of votes to hold office for two years, and the one holding the smallest number of votes to hold office for one year, and thereafter one commissioner only shall be elected for three years in the class which may be vacant, and in case of the death or resignation of any commissioner the vacancy shall be filled for the residue of his term only, and from the class in which he served.

Expenditure of taxes at the Beach.

3. The township council of Saltfleet shall expend and lay out upon the Beach in the manner directed by the Beach com-

missioners, the net amount of taxes levied and collected upon the Beach, after deducting from the gross amount so levied and collected, the proportionate amount required for county rates and for any indebtedness of the township, also the proportionate amount necessary for the expenses of municipal government and for school purposes and after deducting the cost of collection.

Township empowered to pass necessary by-laws.

4. The township council shall have power to pass such by-laws as the Beach commissioners may deem necessary or advisable for the proper development, management, and improvement of the Beach as a place of summer residence for the use of camping parties, and as a place of resort and recreation for the general public and shall as soon as conveniently may be after requisition from the Beach commissioners pass such by-laws *for the purposes aforesaid.*

By-laws not to affect assessment of Beach.

5. No by-law shall be passed upon the requisition of the Beach commissioners that shall in any way directly or indirectly alter or vary, increase or diminish, the assessment or the amount of taxes to be raised from any assessment on the Beach, but such assessment and the rate of taxation shall in every respect be identical with and form part of the general assessment of the township, nor shall any such by-laws on any way exempt the ratepayers on the Beach from the payment of their just proportion of county rates, school taxes, liabilities of said township or the costs of the municipal government of said township.

6. All claims and demands made against the said township of Saltfleet for or by reason of any loss or damage sustained by any person or persons whatever, and caused or incurred by the rights or otherwise of such Beach commissioners or their servants or agents shall be a first charge on the taxes collected from the said Beach until fully paid, and the said township shall have full power to pay the same out of said taxes.

First election of commissioners.

7. On the *eighth day of July next* after the passing of this Act it shall be lawful for John Hughes, post-master at Burlington Beach, who is hereby appointed returning officer after giving notice thereof, or after notice thereof is given by public advertisement in a newspaper published in the county of Wentworth for at least one week to hold the nomination for the election of three Beach commissioners at the post office on Burlington Beach at the hour of four o'clock in the afternoon, and he shall preside at the said nomination or in case of his absence, the electors present shall choose from amongst themselves a chairman to preside at such nomination and may select some other place to hold such nomination and such chairman shall have all the powers of a returning officer, and

the polling for said election (if necessary) shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place at which the polling shall take place, ☞and the polling shall be conducted as in the case of elections of municipal councillors under *The Consolidated Municipal Act, 1892.* All subsequent elections of Beach commissioners shall be held on the second day of July in each year, and the polling for the said elections (if necessary) shall be held on the third Saturday in July in each year.☜

Expenses of Act.

8. The expenses incurred by the promotors *of this Act* and by the corporation of the township of Saltfleet and the expenses of both parties in carrying the present arrangements into effect shall be paid out of the taxes to be levied upon the said Beach.

No. 58.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Hamilton Beach.

First Reading, 26th April, 1893.

(Reprinted as amended by the Private Bills Committee.)

(Private Bill.)

Mr. KERNS.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 59.] **BILL.** [1893.

An Act respecting the Toronto Railway Company.

WHEREAS, the Toronto Railway Company was incorporated by an Act passed in the 55th year of Her Majesty's reign, and chaptered 99; and whereas, doubts having arisen as to the application to be made of the proceeds of any bonds or debentures which might be issued under the said Act, and as to the powers to be exercised by the company, it is desirable to amend the said Act in order to remove such doubts, and to declare and extend the powers aforesaid, and to confirm the mortgage executed by the company under the said Act; and whereas the said company has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 23 of the said Act is amended by striking out the word "street," in the third line thereof, and by inserting after the word "track," in such third line, the words "at any time." 55 V., c. 99, s. 23, amended.

2. Sub-section 1 of section 24 of the said Act is amended by adding at the end thereof the words, "and in carrying out and completing the undertaking, and the acquisition of lands or other privileges or rights authorized by this Act; but the proceeds of such bonds shall not be devoted to the acquisition of the privileges owned by any other company or corporation for the operation of surface railways in the county of York, or to the acquisition of land for park or pleasure grounds without the consent first obtained in writing of the trustees to be named in the mortgage deed." 55 V., c. 99, s. 24, amended.

3. The mortgage deed, set forth in schedule "A" to this Act and the debentures secured thereby are hereby confirmed, and declared to be legal, valid and binding as therein expressed. Mortgage confirmed.

4. If the trustees for the time being, under the said mortgage deed, or any mortgage deeds which may at any time be executed as provided in said section 22, shall at any time under the terms thereof release or reconvey to the company or otherwise discharge from the operation of such mortgage deed or deeds any of the properties, real or personal, comprised in such mortgage deed or deeds, then such mortgage deed or deeds, and the preferential claim and charge created in and by the said section shall cease to apply to the properties so released, Property to be free from trusts on release or conveyance by trustees.

reconveyed or otherwise discharged, and the same shall be absolutely freed therefrom ; and any lands owned by the company at the date of the mortgage mentioned in section 3 of this Act, and which may not be mentioned or described therein shall be, and the same are hereby released and discharged from the preferential claim and charge created by section 22 as aforesaid, and such lands shall be held by the company absolutely freed therefrom.

Trustees, etc., etc., may invest in bonds of Company.

Rev. Stat., c. 167, 54 V., c. 19, 55 V., c. 39.

5. The bonds or debentures in the said Act mentioned shall be and the same are hereby included in the classes of securities in which companies, trustees and societies, or branches of any society, are permitted to invest funds, as provided by *The Ontario Insurance Act, The Trustees Act, 1891* and *The Insurance Corporations Act, 1892.*

Mortgage need not be registered, Rev. Stat., c. 125.

6. It shall not be necessary, in the exercise of the powers as to mortgaging in the said Act contained, to comply with the provisions of the *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but the mortgage mentioned in section 3 of this Act, and any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the provincial secretary, as required by the company's special Act, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said Act respecting mortgages and sales of personal property, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with, and the provisions of this section shall apply to the mortgage deed referred to in section 3 of this Act, and the deposit thereof in the office of the provincial secretary already made shall be deemed and taken to be the deposit mentioned in this section

Powers of Company.

7. The company shall have, and shall be deemed to have had vested in it, all such powers and authorities as might or may be necessary or essential to give full effect to the provisions contained in the said Act, and to enable it to carry out the true intent and meaning thereof.

Power to supply electricity.

Rev. Stat., c. 163.

Rev. Stat., c. 164.

8. The company may manufacture, sell and supply electricity for lighting, heating or power, and shall, for that purpose, have all the powers and privileges conferred, and be subject to all the restrictions and obligations imposed upon a company incorporated under the provisions of the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat and Power*, provided however that sections 51, 52, 71, 73 and 75 to 80 inclusive of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, shall not apply or extend to this company.

SCHEDULE A.

(*Section 3.*)

This indenture made the first day of September in the year of our Lord, one thousand eight hundred and ninety-two; between the Toronto Railway Company, a body corporate and politic duly incorporated under the laws of the Province of Ontario, in the Dominion of Canada; hereinafter called "the Company," party of the first part, and Richard Bladworth Angus, of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the said Province of Ontario, Esquire; hereinafter called "the trustees," parties to the second part:

Whereas, the company was incorporated by an Act of the Legislature of the said Province of Ontario, being Chapter 99 of the Acts passed in the 55th year of the reign of Her Majesty Queen Victoria, with the power, among other things, to contract and agree with George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth, in the said Act called "the purchasers," and such other person or persons (if any) who might be interested with them in a certain agreement for the purchase thereof, and of all properties, rights and privileges secured thereby, and which said agreement was made between the corporation of the city of Toronto, of the first part, and George Washington Kiely, William McKenzie, Henry Azariah Everett, and Chauncey Clark Woodworth, therein called "the purchasers," of the second part, for the exclusive right and privilege, for the full period of 30 years from the 1st day of September, 1891, of using and working the street railways in and upon the streets of the said city of Toronto, except as therein provided, and which said agreement was confirmed by the said Act; and is fully set forth in schedule "A" thereto; and whereas, the company was further empowered, on the grant and assignment to it of said agreement, to take and hold the same, and to have thereby vested in it all the right, title, interest, property, claim, demand and privilege of the said purchasers; subject, however, to all the liens, charges and obligations upon which the same were held by the purchasers; and whereas, the company was, by the said Act, further empowered, after the acquisition of the said agreement, to acquire, construct, complete, maintain and operate, and from time to time remove and change, a double or single track street railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon or along all, or any, of the said streets, or highways, of the said city of Toronto, and to take, transport and carry passengers upon the same by the force and power of animals, electricity or other motive power, in accordance with the terms, and subject to the provisions of the said agreement, and to construct

and maintain, and from time to time alter, repair and enlarge, all necessary and convenient works, stations, buildings and conveniences therewith connected, or required, for the due and efficient working thereof, and to purchase, acquire, construct and manufacture all engines, carriages, cars and other machinery and contrivances necessary for the purposes of the undertaking; and were further empowered to carry out, fulfil and execute the said agreement and conditions; and whereas, in the event of the corporation of the city of Toronto desiring to exercise the privilege of taking over the property necessary to be used in the working of the said railway, at the termination of the said period of 30 years, certain provisions, as to notice, arbitration, award and determining the value of such property were made by section 4 of the said Act; and whereas, the company was, by the said Act, further authorized to enter into and execute a contract or agreement with the corporation of the city of Toronto for the purpose of assuming the contract and the covenants, agreements and obligations which the said purchasers in and by their said agreement with the said city of Toronto agreed to perform, fulfil and execute; and whereas, the said contract, or agreement, with the corporation of the city of Toronto has been duly assigned to the company, and the said company has executed a contract, or agreement, with the corporation of the said city of Toronto, assuming the said contract, and the said company has become, and is, substituted in the place of the said purchasers; and whereas, it is necessary for the said company to raise money for prosecuting its undertaking and carrying out the terms of the said agreement; and whereas, it is, by the said Act incorporating the company, provided as follows:—

22.—(1) The directors of the company, under the authority of the shareholders, to them given at any special general meeting called for the purpose and in the manner provided by this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all call dues thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case the expiration of thirty years from the 1st day of September, 1891, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors think proper:—

(*a*) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and condi-

tions, which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

(2) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(*a*) By the said deed the company may grant to the holders of such bonds debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as herein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(3) The bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under the said agreement by this Act confirmed and the undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section:—

And save and except the bonds or debentures for $600,000 issued by the Toronto Street Railway Company referred to in the said agreement, so far as the same are now a charge on the undertaking, and subject to the charges in favor of the city provided by the said agreement.

(*a*) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings author-

ized by law or by this Act shall be taken to enforce payment of said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(4) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company, and at all subsequent mettings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and posses the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they had fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(*b*) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(5) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfers of shares.

23. The issue of bonds, debentures or other securities by this Act authorized, shall not exceed the sum of $35,000 for each mile of street railway track constructed or under contract for construction: Provided that such bonds, debentures or other securities shall not in any way interefere with or prejudice the right of the city in case it chooses to exercise its right to take over the undertaking in pursuance and on the terms of the said agreement in which case the said bonds, debentures or other securities shall cease to be a charge on the undertaking, but they shall nevertheless be a charge on any moneys to be paid by the city therefor.

24.—(1) Whereas among the terms emboided in the conditions referred to in the said agreement it is stipulated that the purchasers are to satisfy the treasurer of the said city that means are provided for meeting the payment of such bonds or debentures as the company may issue at the maturity thereof, and it is expedient to substitute in lieu of such stipulations the following provision :—It is therefore enacted that the net proceeds of all or any of such bonds or debentures issued in pursuance of the power by this Act conferred shall be laid out and expended in the purchase or acquisition of the rails, rolling stock, motors, buildings and lands required thereof, and other necessary plant, fixtures and materials and in the laying of such rails and erection of such plant, and in execution and fulfilment of the conditions of the said contract or agreement for the change of the system entered into by the said purchasers to be assumed by the company as hereinbefore provided.

(2) It is hereby declared that all the bonds, debentures or other securities, at any time issued by the said company shall forthwith, after the issue thereof, be handed over to trustees to be named in the mortgage deed, which, under the provisions of the twenty-second section of this Act the company is authorized and empowered to grant, for the purpose of securing such bonds, debentures or other securities, and shall only apply the same from time to time under the provisions of subsection 1 of this clause and as such payments may be earned by the actual expenditure of money for the purposes therein set forth and in discharge of the said $600,000 of bonds or debentures.

And whereas the company has been duly organized, and the amount of stock subscribed, and all other acts done to enable the directors, under the provisions of the Act incorporating the said company, to issue its bonds when authorized by the shareholders ; and whereas at meetings of the directors of the company, held on the 30th day of July, A.D. 1892, and on the 26th day of September, 1892, it was resolved, that, after the sanction of the shareholders has been obtained, at a special general meeting called for that purpose, the company should issue its first mortgage bonds, and secure the same by a mortgage upon the whole of the property, assets, rents and revenues of the company, both present and future ; and that such mortgage and bonds should be of the nature and effect following :—

1. The bonds shall be executed under the seal of the company, and signed by the president or other presiding officer, and countersigned by its secretary, as provided in the Act incorporating the company.

2. The total amount of such bonds may equal but shall not exceed $35,000 for each mile of street railway track now or hereafter constructed, and shall never exceed in the aggregate $4,550,000. The actual issue of such bonds from time to time shall not exceed the sum of $35,000 for each mile of street railway track constructed or under contract for construction at the times of such actual issue.

3. The said bonds shall be dated on the first day of September, 1892, and the principal money secured thereby shall be payable on the first day of August, one thousand nine hundred and twenty-one.

4. Interest shall be at the rate of four and one-half per cent. per annum, payable half-yearly on the twenty-eight day of February and thirty-first day of August in each year during the currency of said bonds, and such interest shall be represented by coupons attached to the bonds ; the first coupon for six months' interest being payable on the the twenty-eight day of February, one thousand eight hundred and ninety-three. The place of payment of both principal and interest shall be at the chief office of the Canadian Bank of Commerce, in the city of Toronto.

5. The said bonds shall contain a provision that the company shall, during each of ten years preceding the year ending on the thirty-first of August, one thousand nine hundred and twenty-one, redeem five per cent. of the whole issue, so that there shall be outstanding on that date fifty per cent. only of the total amount of bonds issued.

6. The mortgage securing the bonds shall be executed under the seal of the company, and signed by the president and secretary, and shall be made in favour of Richard Bladworth Angus, of the city of Montreal, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the Dominion of Canada, Esquire, trustees, and, save and except as to the bonds or debentures for six hundred thousand dollars in the said Act referred to, shall form a first and preferential claim and charge upon the company and its undertaking, and the privileges acquired under the said agreement, in the said recited Act mentioned, and by the said recited Act confirmed, and upon the tolls and income, rents and revenues and real and personal property of the company, now owned, or at any time hereafter acquired ; subject, however, to the payment of the working expenses of the undertaking, and also subject to all charges in favour of the city of Toronto, as provided for the said agreement.

7. The demonination of the bonds shall be as follows, viz : Bonds for one thousand dollars each.

And whereas at a meeting of the shareholders of the company, held on the 26th day of September, A.D. 1892, at which all the shareholders were present either in person or by proxy, a resolution was passed unanimously, as follows, viz :—

" That the directors of this company are authorized to issue the bonds of the company, under the provisions of the Act incorporating the company in that behalf, to an amount not exceeding $35,000 for each mile of street railway track constructed, or hereafter to be constructed, and that such bonds shall not at any time exceed in the aggregate $4,550,000 and shall be secured by a mortgage of the company's property, assets, rents and revenues, present or future, or both, and that such bonds shall be in conformity with the resolution of the board

of directors relating thereto, and passed on the 30th day of July, A.D. 1892, as amended on the 26th day of September, 1892, and that such resolution, and the issue of the bonds thereby provided for, are authorized, sanctioned and approved."

And whereas, a draft of this deed of mortgage, and the bonds and coupons herein referred to and in part recited, was presented at the said meeting of the shareholders, held on the 26th day of September, A.D. 1892, at which all the shareholders were present, either in person or by proxy, and each of the provisions in the said draft was duly approved and confirmed by a further resolution passed at the said meeting, and this deed, and the bonds and coupons hereinafter set forth, conform in all respects to the said draft ;

And whereas, the bonds to be issued by the said company are to be certified by the trustees, and are to be each, of the nature and effect, and according to the form following, that is to say :—

DOMINION OF CANADA.

Province of Ontario.

THE TORONTO RAILWAY COMPANY.

Incorporated under 55 Vict., Chapter 99, Statutes of Ontario.

Number $1,000.00

First Mortgage Bond.

The Toronto Railway Company, for value received, hereby promises to pay to the bearer, or if registered then to the registered holder hereof, the sum of one thousand dollars, in gold coin, or its equivalent of lawful money of Canada, on the 31st day of August, A.D. 1921 (subject to previous redemption of this bond, in accordance with the conditions of the mortgage below mentioned and the endorsement hereon), at the chief office of the Canadian Bank of Commerce, in the city of Toronto, Province of Ontario and Dominion of Canada, with interest thereon at the rate of four and one-half per cent. per annum, payable half-yearly at the said place, in like money, on the 28th day of February and 31st day of August in each year, on presentation and surrender of the interest coupons, hereto annexed, as they severally become due and payable. This bond is one of a series, and each of like date, tenor and effect, issued and to be issued, to an aggregate not exceeding four million five hundred and fifty thousand dollars, and not exceeding the sum of thirty-five thousand dollars for each mile of street railway track constructed, or under contract for construction at the times of actual issue, for the security of which, and the interest thereon, the undertaking, franchises, privileges, rents, revenues, tolls, income, assets and real and personal

property of the company, at any time acquired, both present and future, are mortgaged to Richard Bladworth Angus, of the city of Montreal, Esquire, and George Albertus Cox, of the city of Toronto, Esquire, as trustees, by a mortgage bearing even date herewith. Each holder of the said bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings shall be taken to enforce payment of the said bonds, or of the interest thereon, except through the said trustees. This bond shall pass by delivery, but may, at the option of the holder, be registered, at any time in the same manner as the shares of the company are registered, and, while so registered, they shall be transferable by written transfer, registered in the same manner as in the case of the transfer of shares, and as provided by the said mortgage. A transfer in favor of the bearer may subsequently be registered, after which it will be transferable by delivery alone until again registered in the name of the holder. If the company makes default in paying the principal or interest of this bond, when the same becomes due, then at the next annual general meeting of the company, and at all subsequent meetings, the registered holder of this bond, if the same is still in default, shall, in respect thereof, have the same right and privilege and qualification for being elected a director and voting at general meetings as would attach to him if he were a shareholder holding fully paid-up shares of the company to the amount of this bond, but subject to the provisions of the Act incorporating the company. This bond is subject to the condition hereon endorsed. This bond shall not become obligatory until it shall have been certified by the trustees, or their successors in the trust.

In witness whereof the Toronto Railway Company has caused its seal to be hereunto affixed, and these presents to be signed by its president, or vice-president, and countersigned by its secretary, the first day of September, one thousand eight hundred and ninety-two.

Countersigned President.

Secretary.

(ENDORSED ON THE BOND.)

Certified

Trustees.

(ALSO ENDORSED.)

THE TORONTO RAILWAY COMPANY $1,000 FIRST MORTGAGE BOND.

INTEREST 4½ PER CENT., PAYABLE FEB. 28TH AND AUG. 31ST.

Number

Number INTEREST COUPON. $22.50.

The Toronto Railway Company will pay the bearer, on the 28th day of February, A.D. 1893, twenty-two dollars and fifty cents, in gold, or its equivalent of lawful money of Canada, at the chief office of the Canadian Bank of Commerce, in the city of Toronto, being half-yearly interest on bond number

CONDITION ENDORSED ON THE SAID BOND.

This bond is subject to be redeemed at par, in pursuance of the within mentioned mortgage as follows:—

On the 31st day of August in each of the ten years preceding the year ending on 31st day of August, A.D. 1921, the company shall redeem five per cent. of the whole issue of bonds. The bonds to be redeemed each year shall be determined by lot, and the result of the lot in each case shall be published in the city of Toronto, by advertisement at least four times a week, in a daily newspaper at least forty days before the time of redemption, from which time interest on the bonds designated shall cease to accrue. Notice of such result shall also be mailed to the registered address of any registered holder of any bond to be redeemed.

Now, therefore, this indenture witnesseth that the company, for and in consideration of the premises, and for the purpose of securing the said bonds so issued, and to be issued, and the interest specified in the interest coupons thereto attached, and every part of the said principal and interest, as the same shall become payable, according to the tenor of the said bonds and coupons, and of the sum of one dollar, of lawful money of Canada, now paid to the company by the trustees (the receipt whereof is hereby acknowledged) doth grant to the trustees, their heirs and assigns, as joint tenants, and to their successors in the trust, all and singular the lands and hereditaments, respectively specified or referred to in the schedule hereto marked "A," and the railway and undertaking of the company now made, in course of construction, or hereafter to be constructed, together with all branches, extensions, sidings, switches and turn-outs, and the superstructure and tracks, and all iron, rails, ties, poles, wires, pavement and other material placed, or to be placed, or used therein, or procured, or to be procured, therefor, and all structures, stables, offices, stations, station houses,

power houses, engine houses, work and machine shops, or other buildings or erections held, or acquired, for use in connection with the railway, or the business thereof, including all electric or other motors, cars and other rolling stock, or equipment, and all machinery, tools, implements, fuel and material for the constructing, operating or replacing the same railway, or any of its equipments or appurtenances, whether now held or at any time hereafter acquired, all of which things are hereby declared to be appurtenances and fixtures of the railway, and to be included in and to pass by these presents; and also all the interest of the said company in the said recited agreement with the city of Toronto and in the streets of the said city, and all franchises, powers and privileges connected with, or relating to the said railway, or the construction or maintenance thereof now held, or hereafter acquired, by the company, and all corporate or other franchises, which are now, or may be, or whenever, possessed or exercised, by the said company; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion, remainder, tolls, incomes, rents, issues and profits thereof, and all the estate, right, title, interest, property, possession, claim and demand whatsoever as well at law as in equity of the said company, of, in and to the same, and any and every part thereof, with the appurtenances; and all sums of money, claims or demands of any kind, which may be payable to the company by the corporation of the city of Toronto upon the said corporation taking possession of the said railway, and the property and effects thereof, and the amount of any award which may be made in favor of the company in pursuance of the arbitration contemplated by the said agreement and by the acts relating to the company; and generally all the real and personal property of the company of whatever kind and wheresoever situated now or at any time hereafter owned or possessed by the company during the currency of the said bonds; to have and to hold the above described undertaking, property, premises, things, rights, privileges and franchises, acquired, or to be acquired, and hereby expressed to be conveyed, and intended so to be, unto the trustees, their heirs, executors, administrators and assigns, according to the nature and quality thereof, as joint tenants, and to their successors in the trust;

But nevertheless upon the trusts and to and for the uses and for the purposes and conditions herein expressed, that is to say:—

1. All the bonds issued by the said company hereunder shall, forthwith after the issue thereof, be handed over to the trustees, and the trustees shall apply the proceeds of all, or any, of such bonds, under the provisions of section 1, clause 24, of the said recited Act 55 Victoria, chapter 99, of the Statutes of Ontario. The trustees shall retain and hold six hundred thousand dollars of the bonds first issued in pursuance of these

presents, for the purpose of redeeming six hundred thousand dollars of debentures, issued by the Toronto Street Railway Company, and referred to in the said Act of incorporation, and shall use such bonds for the purpose of paying off and procuring the cancellation of the said six hundred thousand dollars of bonds issued by the Toronto Street Railway Company as aforesaid, it being understood and agreed that the trustees shall have the right and power to exchange at par the said six hundred thousand dollars of bonds, or any part thereof, for the said bonds issued by the Toronto Street Railway Company, in the event of the holder, or holders, of the latter desiring and accepting such exchange, either at maturity or prior thereto, and upon such exchange and surrender, the trustees shall mark the bonds so surrendered as cancelled, and hand them over, so marked cancelled, to the treasurer of the company; and in the event of the holder, or holders, of the said outstanding bonds of the Toronto Street Railway Company not exchanging said bonds for those hereby secured, then the company, at the maturity of said bonds, or so many of them as may be then outstanding, shall have the right and power to sell and dispose of the said $600,000 of its bonds, held by the said trustees, or so many, or all thereof, as may be necessary to cancel and satisfy the said $600,000 of debentures issued by the Toronto Street Railway Company, or so many thereof as may be then outstanding, at such price or prices, and in such way or manner, as may by it be deemed expedient; provided, however, that the amonnt or amounts, realized from such sale or sales, shall be paid over unto the said trustees, and applied by them to the cancellation of the said $600,000 debentures of the Toronto Street Railway Company, or so many thereof as may be then outstanding, and any balance from such sale or sales, over and above the amount necessary to satisfy and redeem the said bonds of the Toronto Street Railway Company, shall be paid by the said trustees to the company. And in the event of the $600,000 of bonds, secured by these presents, and deposited with the trustees as aforesaid, being inadequate and insufficient to redeem the said $600,000 of bonds of the Toronto Street Railway Company, then the company shall supply such deficiency and pay over to the trustees an amount, which, with the amount or amounts realized from such sale or sales, shall be sufficient to redeem the said $600,000 of bonds of the Toronto Street Railway Company in full; and the company shall pay interest on the said $600,000 of bonds of the Toronto Street Railway Company as the same becomes due and payable, so long as such bonds are outstanding and unredeemed.

2. Until default shall be made in payment of the principal or interest of the said bonds, by these presents secured, or some of them, or until default shall be made in respect to something herein required to be done, or kept, by the company, the said company shall be suffered and permitted to possess, operate, manage and enjoy the said railway and its undertaking, with all its equipment and appurtenances, and all other property,

rights and privileges hereby conveyed, or intended so to be, to take and use the rents, incomes, profits and tolls thereof in the same manner and to the same effect as if this deed had not been executed.

3. In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the company, when such interest shall become payable according to the tenor of such bond or the terms of any coupon thereto annexed, and such default shall continue for a period of four months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the company, and such default shall continue for the period of six months, then and from thenceforth, and in either of such cases, it shall be lawful for the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway, railway tracks, motors, poles, wires, machinery, real and personal estate and premises hereby conveyed or intended so to be, acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the said railway and premises and each and every part and parcel thereof, then subject to the lien of these present, with full power to operate and conduct the business of the said railway by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; and, after deducting the expenses of operating the said railway and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, including all payments to the corporation of the city of Toronto under said agreement, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created the trustees shall apply the moneys arising from such collections and receipts as aforesaid, to the payment of interest on the said bonds, in the order in which said interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next

thereafter to fall due, the same may be paid over to the company; but in case the principal of said bonds shall have become due, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon a sale of the said railway and premises as hereinafter provided; but the provisions of this clause are subject to the rights of the city of Toronto, under the agreement above mentioned.

4. In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue, as aforesaid, for the period of four months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, whether by effluxion of time, selection for redemption, or declaration of the trustees as hereinafter provided for, and shall continue for a period of four months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents, to sell and dispose of the said railway, and all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction, in the city of Toronto, in the Province of Ontario, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale by advertisement published not less than three times a week for three successive months, in one or more daily newspapers published in the city of Toronto, in one or more daily newspapers published in the city of New York, and in one or more daily newspapers published in the city of London, England, and in such other manner as the trustees may think proper. And, after such notice, it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserve bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereinunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and resell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, make the same, with or under any of the powers herein, after such notice and advertisement as they may think best, at any time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway and premises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from, through or under the company, or its assigns. And, after deducting from the proceeds of such sale just allowance for all expenses thereof, including

attorney's and counsel fees, and all other expenses, advances or liabilities. which may have been made or incurred by the trustees in operating or maintaining the said railway and premises, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens prior to the lien of these presents on the said premises, or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in Article Third, it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders. Provided, however, that should interest on some bonds have been paid up to a later date than interest on other bonds the trustees shall before applying such residue as aforesaid pay the interest on all bonds up to the same date, in order that all may stand on an equal footing when such residue is being applied. And if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the company or its assigns. And it is hereby declared and agreed, that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money and having such receipt, said purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or nonapplication of of such purchase money, or of any part thereof, nor shall he or they be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

5. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond, or of any coupons thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of four months after the same shall have become payable as aforesaid, and such default shall continue for four months thereafter, then and from thenceforth, the principal sum of each of the bonds aforesaid shall, upon a declaration of the trustees to that effect, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed ; but a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have the power, by an instrument in writing, under their hands and seals, or by a vote at a

meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, to instruct the trustees to declare such principal sum due, or to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe: provided always, that no act or omission either of the trustees, or of the bondholders in the premises, shall extend to, or be taken in any manner whatsoever to affect, any subsequent default or the rights resulting therefrom.

6. It shall be the duty of the trustees to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the company, or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed, as follows:

A.—In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of four months; then and in every such case, upon a requisition in writing, signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof:

Provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as herein provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed, that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trust thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and

indemnification as aforesaid ; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees, to waive default. And it is hereby further declared and provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or the rights of the trustees, or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

B.—If the company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them then and in such case, the trustees shall, upon a requisition in manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, subject to a power in such majority at any time to direct, in manner aforesaid, the trustees to waive such default or breach, upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

7. The board of directors of the company may from time to time, by resolution, require the said trustees, to convey by way of release or otherwise to discharge from operation of these presents any lands acquired or held for the purpose of stations, depots, car shops, machine shops, power houses or other buildings or premises connected therewith, or any lands which may have become disused, or which the board of directors and the trustees may deem it expedient to disuse or abandon, and which land or premises respectfully shall, by resolution of the said board, concurred in by the trustees in writing, be declared to be unnecessary for the purposes and business of the company, and in every such case the said trustees, when so required, shall execute such release and discharge accordingly ; and without in any way limiting the generality of these presents it is hereby declared that any lands that may be acquired in lieu of or in substitution for lands so released or discharged, and any newly or subsequently acquired lands shall be deemed to come within the operation of these presents and to be included therein, and shall be conveyed to and held by the said trustees for the trusts of these presents ; and it is further declared that the said company from time to time may sell or dispose of any part of the equipment, rolling stock, motors, machinery, implements or other materials at any time held, or acquired, for the

use and purposes of the said company, as may, by the resolution of the board of directors, be declared to be no longer useful or necessary for the company's business, and without in any way limiting the generality of these presents, it is declared that any new, or subsequently acquired, equipment, rolling stock, motors, machinery, implements and material or any such acquired in lieu of or in substitution for that sold or disposed of, shall come within and be subject to the operation of these presents and be included therein.

8. All bonds hereby secured, shall be payable to bearer, and be negotiable and pass by delivery, unless registered for the time being in the name of the owner thereof in the manner provided for the registration of the shares of the company; and the mode and manner of registration and transfer as applicable to the said bonds shall be as follows: The company shall keep at its chief office in the city of Toronto a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at such office a written statement of the said particulars and verifying his title to such bond by the production thereof; and every such registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon no transfer shall be made or shall be valid except in writing in a suitable transfer book to be kept by the company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show the number of the bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

9. If the Company makes default in paying the principal or interest on any of the bonds hereby secured when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings all holders of such bonds, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount. The right given hereby shall not be exercised by any holder thereof unless the bond on which he claims to exercise such right has been registered in his name, as provided for in article eight at least ten days before he attempts to exercise the right of voting

thereon; provided, however, that the exercise of this right shall not take away, limit or restrain any rights or remedies to which the holders of the said bonds are entitled, under the provisions of this deed.

10. The trustees, or any trustee, hereunder, may take such legal advice and employ such assistance as may be necessary, in their judgment, to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation and all proper costs, charges and expenses incurred by them the company hereby promises and agrees to pay; but in case the company shall make default in such payment, the same may be retained by the trustees out of any trust moneys coming into their hands. Provided always that the trustees shall be entitled to be paid by the company fifty cents for each bond certified by them, which payment shall be in full for all services of the trustees prior to default by the company in payment of the principal or interest on bonds, but should such default occur, then the remuneration of the trustees for services consequent upon such default shall be fixed in the usual way under the statute in that behalf.

11. The trustees shall not, nor shall any trustee hereunder be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trust, and not the one for the other or others of them, or the acts or defaults of the other or others.

12. Any one of the trustees may resign his trust and be discharged from all further duties thereunder, or liability thereafter accruing, upon giving three months' notice in writing to the company, if such resignation takes place before any default by the company in the payment of any interest or principal, or in any of the conditions hereof; or after such default, upon giving a like notice to the company and to the bondholders, at the same time calling a meeting of the bondholders to accept his resignation, or upon such shorter notice as the company or the bondholders as the case may be may accept as sufficient.

13. The number of the trustees shall always be kept up to two, and one of the trustees shall always be a resident of the Province of Ontario. In case of the resignation, death, removal from office, or incapacity to act of any one or more of the trustees, a successor, or successors, shall be at once appointed to fill such vacancy by a judge of the High Court of Justice for Ontario upon the application of the company, or of the remaining trustee, upon notice being given to the other trustee and also to the bondholders by advertisement in each issue for two weeks in the *Ontario Gazette* and in one daily newspaper published in Toronto. From thenceforth on any new appoint-

ment, under this article, any person so appointed shall be vested with the same powers, rights, interests and charges, and the same duties and responsibilities, as if he had been originally named among the parties of the second part to this instrument, in place of the trustee whom he succeeds, without any further assurance, conveyance, act or deed; but there shall be immediately executed all such conveyances, or other instruments, as may be necessary, or suitable for the purpose of assuring to the new trustee, so appointed, a full joint estate in the premises. If no such application be made by the company or the remaining trustee during four weeks after any such vacancy happens, such application may be made by any holder or holders of said bonds upon notice being given to the company and to the other trustee and to the other bondholders by advertisement as aforesaid.

14. Meetings of the holders of bonds secured under this mortgage may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and a quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered, or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum and make such regulations or by-laws, such powers may be exercised by the trustees, including the fixing of the mode of the calling of the first meeting and the conduct thereof. And the trustee shall have the right, at or before any meeting of bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meetings. And whenever and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorised and required to call a meeting of the holders of bonds secured hereby to be held in the said city of Toronto, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for at least four weeks, in at least two daily newspapers of good circulation among the business community in said city of Toronto, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder, of the necessity therefore, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at

least one-fifth of the entire outstanding bonds of the company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. Until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any meeting.

15. The word "trustees," wherever used in this indenture, shall in all cases be construed to mean any one person or more persons who for the time being shall be trustee or trustees, whether such person or persons be the parties of the second part or any successor or successors of said parties of the second part appointed hereunder. In case of a vacancy in said trust the surviving or continuing trustee, if there be any, shall be competent to exercise, until the appointment of a new co-trustee, any and all powers and authorities herein granted to the said parties of the second part.

16. If the company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument, when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons, respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by it or them done and observed, then and in that case all the estate, right, title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the trustees shall, on the request and at the costs and charges of the company, execute such re-conveyance and re-assingnment of the premises, as may be necessary or expedient.

17. The company, in consideration of the premises, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that whenever and as often as the company shall hereafter acquire any additional property, rights, franchises or things whatsoever, pertaining to or for use upon, the said railway, hereinbefore conveyed, or upon any part thereof, the company and its assigns, shall and will acquire, possess and hold the same, and every part and parcel thereof, upon and subject to the trust of this indenture, until conveyance thereof shall be duly made and delivered to the trustees, for the benefit of the trust by these articles created.

18. And the company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby

secured or intended so to be, shall be issued only at such time and in such amounts as hereinbefore limited ; that the company will in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary, for that purpose, to the payment of the interest accruing in such year on said bonds, when the same shall become due until all the said bonds shall be fully paid and satisfied ; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every sort and description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed or intended or contemplated so to be, so as to keep the mortgaged premises free and clear from any incumbrance by reason thereof ; also that it will duly make all payments to the corporation of the city of Toronto as provided by the said agreement as and when the same become payable; and also that it will insure and during the continuance of this mortgage keep insured against loss or damage by fire all insurable property hereby mortgaged, conveyed or mentioned, or intended so to be, in proper insurable proportions in the sum of its full insurable value in some insurance company or companies satisfactory to the said trustees, and pay all premiums and sums of money necessary for such purpose as the same become due, and in the event of any loss of the said property, or any part thereof, by fire, all moneys payable from time to time to the company by the insurance company or companies in respect of such loss or losses shall be held by the company for the benefit of the trust by this mortgage created in the event of the same not being expended by the company in rebuilding or replacing the property destroyed, and subject as aforesaid, will on demand in writing by the said trustees pay over such insurance moneys to the trustees for the benefit of the trust hereby created ; but in the event of the said insurance moneys or any part thereof not being required by the company in rebuilding or replacing as aforesaid, then the same may be used by the company in such manner as the board of directors may declare by resolution, concurred in by the trustees in writing ; and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trust herein expressed, the railway aforesaid, acquired or to be acquired, constructed or to be constructed, together with their equipments, appurtenances and franchises, and all and singular the lands, property, insurance policies, insurance moneys and things, hereinbefore mentioned or described,

acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, to the trustees, or their successors in the trust created by these presents as by the trustees or by their counsel learned in the law shall be reasonably advised, devised or required.

19. The company hereby covenants and agrees with the trustees, and their successors and survivor, for the benefit and in trust for the holders of the said bonds, that the said company will pay off and redeem, on the thirty-first day of August in each of the ten years preceding the year ending on the 31st day of August, A.D. 1921, five per cent. of the whole issue of bonds, so that there shall be outstanding in the last of such ten years fifty per cent. only of the total amount of bonds issued ; and if any part of the said $4,550,000 of bonds be issued after the first determination by lot of the bonds to be redeemed during said ten years, there shall be cancelled by the trustees and delivered back to the company so much of said part as will represent five per cent. thereof for each year of said ten years prior to the issue of such part, so that the five per cent. to be redeemed during the succeeding years will be sufficient to leave outstanding in the last of said ten years fifty per cent. only of the total amount of bonds issued. And the company will pay, for the purpose of paying off and redeeming such bonds, into the chief office of the Canadian Bank of Commerce, in Toronto as aforesaid, at least ten days before the 31st day of August in each of the years 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919 and 1920, an amount sufficient to pay off and redeem such five per cent. of the whole issue of bonds, as aforesaid; and the particular bonds so to be redeemed shall be determined in every case by lot cast or drawn some time in the month of June next previous to such redemption by some disinterested person or persons appointed by the company and approved of by the trustees, and the result of such lot designating and specifying the particular bonds to be redeemed shall be published in the city of Toronto, by advertisement at least four times a week in a daily newspaper in the said city at least forty days before the day of payment ; and notice of such result shall also be mailed to the registered address of any registered bondholders. And that all bonds so redeemed, and all coupons thereof, shall be surrendered to and cancelled by the company in the presence of the trustees, who shall keep a list thereof, and no interest shall accrue on any bonds so designated for redemption after it has thereby become payable, and the company shall be ready to pay the same ; and all coupons representing future interest on such bonds so designated and specified shall thenceforth and thereafter be void.

In witness whereof the company has caused its corporate seal to be hereunto affixed, and these presents to be signed by

its president, and by its secretary; and the said trustees, to evidence the acceptance of the said trust, have likewise signed and sealed these presents.

	TORONTO RAILWAY COMPANY,
Signed sealed and delivered in the presence of	By
	(Sgd) WM. MCKENZIE, President. (Seal of Toronto Railway Comp'y.)
(Sgd) W. P. TORRANCE,	(Sgd) J. C. GRACE, Secretary.
(Sgd) CHAS. E. L. PORTEOUS,	(Sgd) R. B. ANGUS, Trustee. [Seal.]
(Sgd) V. C. BROWN.	(Sgd) GEO. A. COX Trustee. [Seal.]

SCHEDULE "A"

Referred to in the mortgage made this first day of September, in the year of our Lord one thousand eight hundred and ninety-two, between The Toronto Railway Company, a body corporate and politic duly incorporated under the laws of the Province of Ontario, in the Dominion of Canada; hereinafter called "The Company," party of the first part, and Richard Bladworth Angus, of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the said Province of Ontario, Esquire; hereinafter called "The Trustees," parties of the second part.

Lands, including all buildings and erections thereon:

(*a*) That freehold property of the Toronto Railway Company on the south-east corner of Front and Frederick streets, in the city of Toronto, having a frontage of two hundred feet on the south side of Front street, a frontage of two hundred feet and five inches on the north side of Esplanade street, and a frontage of four hundred and fifty-three on the east side of Frederick street excepting thereout the lot known as the Currie lot, having a frontage on Frederick street of eighty feet and two inches by a depth of sixty-six feet.

(*b*) That freehold property of the said company on the south-west corner of Front and George streets, in said city, having a frontage of one hundred and thirty-eight feet and five inches on the south side of Front street, a frontage of four hundred and forty-three feet and three inches on the west side of George street, and a frontage of one hundred and thirty-four feet and three inches on the north side of Esplanade street.

(*c*) That freehold property of the said company on the north-west corner of Front and Frederick streets, in said city,

having a frontage of one hundred and thirty-six feet on the north side of Front street, and a depth of one hundred and thirty-six feet and nine inches on the west side of Frederick street.

(*d*) That freehold property of the said company on the south-east corner of King and St. Lawrence streets in said city, having a frontage of two hundred feet on the south side of King street, and a frontage of one hundred and ninety-three feet and nine inches on the east side of St. Lawrence street.

(*e*) That leasehold property of the said company on the north side of St. Lawrence street occupied by them in connection with the freehold property lastly above described, and held by the said company under lease from the trustees of the Toronto General Hospital.

(*f*) That freehold property of the said company on the south side of Scollard street, in said city, commencing on the south side of Scollard street at a point distant one hundred and seventy feet westerly from the west side of Yonge street, and running westerly from that point three hundred feet, and having a uniform depth of seventy-five feet and eight inches, together with the leasehold property of the said company adjoining the same and used in connection therewith.

(*g*) That freehold property of the said company on the north side of Yorkville avenue three hundred and seventy feet westerly from the west side of Yonge street and running from that point westerly one hundred feet, and having a uniform depth of one hundred and sixty-five feet and eleven inches.

This is Schedule "A" referred to in within mortgage.

Witness,
(Sgd.) W. P. TORRANCE,

(Sgd.) WM. MCKENZIE,
President.
(Sgd.) J. C. GRACE,
Secretary.

Seal of Toronto Railway Company.

No. 59

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Toronto Railway Company.

First Reading, 1893.

(Private Bill.)

Mr.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 59.] **BILL.** [1893.

An Act respecting The Toronto Railway Company.

WHEREAS, The Toronto Railway Company was incorporated by an Act passed in the 55th year of Her Majesty's reign, and chaptered 99; and whereas, doubts having arisen as to the application to be made of the proceeds of any bonds or debentures which might be issued under the said Act, and as to the powers to be exercised by the company, it is desirable to amend the said Act in order to remove such doubts, and to declare and extend the powers aforesaid, and to confirm the mortgage executed by the company under the said Act; and whereas the said company has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 23 of the said Act is amended by inserting after the word "construction" in the fourth line thereof the words "at any time; inclusive of their tracks constructed or under contract for construction over any lands acquired or which may be acquired for the purposes thereof, and also of their tracks constructed or under contract for construction authorized by section 19 of the said Act." 55 V., c. 99, s. 23, amended.

2. Sub-section 1 of section 24 of the said Act is amended by adding at the end thereof the words, "and in carrying out and completing the undertaking, and on the acquisition of such privileges and the construction of such lines and works as may be required to enable the company to run their cars to points beyond the limits of the city of Toronto, provided that the aggregate distance of such points from said limits shall not exceed fifteen miles and that no one part of such aggregate shall exceed five miles; but the proceeds of such bonds shall not be devoted to the acquisition of the privileges owned by any other company or corporation for the operation of surface railways in the county of York, without the consent first obtained in writing of the trustees to be named in the mortgage deed;" but nothing herein contained shall impair or affect the rights of the said city or the obligations of the company under section 16 of the agreement forming Schedule A to the Act passed in the 55th year of Her Majesty's reign and chaptered 99. 55 V., c. 99, s. 24, amended.

Mortgage confirmed.

3. The mortgage deed, set forth in schedule "A" to this Act and the debentures secured thereby are hereby confirmed, and declared to be legal, valid and binding as therein expressed.

Property to be free from trusts on release or conveyance by trustees.

4. If the trustees for the time being, under the said mortgage deed, or any mortgage deeds which may at any time be executed as provided in said section 22, shall at any time under the terms thereof release or reconvey to the company or otherwise discharge from the operation of such mortgage deed or deeds any of the properties, real or personal, comprised in such mortgage deed or deeds, then such mortgage deed or deeds, and the preferential claim and charge created in and by the said section shall cease to apply to the properties so released, reconveyed or otherwise discharged, and the same shall be absolutely freed therefrom; and any lands owned by the company at the date of the mortgage mentioned in section 3 of this Act, and which may not be mentioned or described therein shall be, and the same are hereby released and discharged from the preferential claim and charge created by section 22 as aforesaid, and such lands shall be held by the company absolutely freed therefrom.

Mortgage need not be registered. Rev. Stat., c. 125.

5. It shall not be necessary, in the exercise of the powers as to mortgaging in the said Act contained, to comply with the provisions of the *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but the mortgage mentioned in section 3 of this Act, and any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the provincial secretary, as required by the company's special Act, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said Act respecting mortgages and sales of personal property, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with, and the provisions of this section shall apply to the mortgage deed referred to in section 3 of this Act, and the deposit thereof in the office of the provincial secretary already made shall be deemed and taken to be the deposit mentioned in this section.

SCHEDULE A.

(Section 3.)

This indenture made the first day of September in the year of our Lord, one thousand eight hundred and ninety-two; between the Toronto Railway Company, a body corporate and politic duly incorporated under the laws of the Province of Ontario, in the Dominion of Canada; hereinafter called "the Company," party of the first part, and Richard Bladworth Angus, of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the said Province of Ontario, Esquire; hereinafter called "the trustees," parties to the second part:

Whereas, the company was incorporated by an Act of the Legislature of the said Province of Ontario, being Chapter 99 of the Acts passed in the 55th year of the reign of Her Majesty Queen Victoria, with the power, among other things, to contract and agree with George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth, in the said Act called "the purchasers," and such other person or persons (if any) who might be interested with them in a certain agreement for the purchase thereof, and of all properties, rights and privileges secured thereby, and which said agreement was made between the corporation of the city of Toronto, of the first part, and George Washington Kiely, William McKenzie, Henry Azariah Everett, and Chauncey Clark Woodworth, therein called "the purchasers," of the second part, for the exclusive right and privilege, for the full period of 30 years from the 1st day of September, 1891, of using and working the street railways in and upon the streets of the said city of Toronto, except as therein provided, and which said agreement was confirmed by the said Act; and is fully set forth in schedule "A" thereto; and whereas, the company was further empowered, on the grant and assignment to it of said agreement, to take and hold the same, and to have thereby vested in it all the right, title, interest, property, claim, demand and privilege of the said purchasers; subject, however, to all the liens, charges and obligations upon which the same were held by the purchasers; and whereas, the company was, by the said Act, further empowered, after the acquisition of the said agreement, to acquire, construct, complete, maintain and operate, and from time to time remove and change, a double or single track street railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon or along all, or any, of the said streets, or highways, of the said city of Toronto, and to take, transport and carry passengers upon the same by the force and power of animals, electricity or other motive power, in accordance with the terms, and subject to the provisions of the said agreement, and to construct

and maintain, and from time to time alter, repair and enlarge, all necessary and convenient works, stations, buildings and conveniences therewith connected, or required, for the due and efficient working thereof, and to purchase, acquire, construct and manufacture all engines, carriages, cars and other machinery and contrivances necessary for the purposes of the undertaking; and were further empowered to carry out, fulfil and execute the said agreement and conditions; and whereas, in the event of the corporation of the city of Toronto desiring to exercise the privilege of taking over the property necessary to be used in the working of the said railway, at the termination of the said period of 30 years, certain provisions, as to notice, arbitration, award and determining the value of such property were made by section 4 of the said Act; and whereas, the company was, by the said Act, further authorized to enter into and execute a contract or agreement with the corporation of the city of Toronto for the purpose of assuming the contract and the covenants, agreements and obligations which the said purchasers in and by their said agreement with the said city of Toronto agreed to perform, fulfil and execute; and whereas, the said contract, or agreement, with the corporation of the city of Toronto has been duly assigned to the company, and the said company has executed a contract, or agreement, with the corporation of the said city of Toronto, assuming the said contract, and the said company has become, and is, substituted in the place of the said purchasers; and whereas, it is necessary for the said company to raise money for prosecuting its undertaking and carrying out the terms of the said agreement; and whereas, it is, by the said Act incorporating the company, provided as follows:—

22.—(1) The directors of the company, under the authority of the shareholders, to them given at any special general meeting called for the purpose and in the manner provided by this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all call dues thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case the expiration of thirty years from the 1st day of September, 1891, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors think proper:—

(*a*) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and condi-

tions, which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

(2) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(*a*) By the said deed the company may grant to the holders of such bonds debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as herein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette.*

(3) The bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under the said agreement by this Act confirmed and the undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section:—

And save and except the bonds or debentures for $600,000 issued by the Toronto Street Railway Company referred to in the said agreement, so far as the same are now a charge on the undertaking, and subject to the charges in favor of the city provided by the said agreement.

(*a*) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings author-

ized by law or by this Act shall be taken to enforce payment of said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(4) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company, and at all subsequent mettings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and posses the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they had fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(*b*) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(5) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfers of shares.

23. The issue of bonds, debentures or other securities by this Act authorized, shall not exceed the sum of $35,000 for each mile of street railway track constructed or under contract for construction: Provided that such bonds, debentures or other securities shall not in any way interefere with or prejudice the right of the city in case it chooses to exercise its right to take over the undertaking in pursuance and on the terms of the said agreement in which case the said bonds, debentures or other securities shall cease to be a charge on the undertaking, but they shall nevertheless be a charge on any moneys to be paid by the city therefor.

24.—(1) Whereas among the terms emboided in the conditions referred to in the said agreement it is stipulated that the purchasers are to satisfy the treasurer of the said city that means are provided for meeting the payment of such bonds or debentures as the company may issue at the maturity thereof, and it is expedient to substitute in lieu of such stipulations the following provision :—It is therefore enacted that the net proceeds of all or any of such bonds or debentures issued in pursuance of the power by this Act conferred shall be laid out and expended in the purchase or acquisition of the rails, rolling stock, motors, buildings and lands required thereof, and other necessary plant, fixtures and materials and in the laying of such rails and erection of such plant, and in execution and fulfilment of the conditions of the said contract or agreement for the change of the system entered into by the said purchasers to be assumed by the company as hereinbefore provided.

(2) It is hereby declared that all the bonds, debentures or other securities, at any time issued by the said company shall forthwith, after the issue thereof, be handed over to trustees to be named in the mortgage deed, which, under the provisions of the twenty-second section of this Act the company is authorized and empowered to grant, for the purpose of securing such bonds, debentures or other securities, and shall only apply the same from time to time under the provisions of subsection 1 of this clause and as such payments may be earned by the actual expenditure of money for the purposes therein set forth and in discharge of the said $600,000 of bonds or debentures.

And whereas the company has been duly organized, and the amount of stock subscribed, and all other acts done to enable the directors, under the provisions of the Act incorporating the said company, to issue its bonds when authorized by the shareholders ; and whereas at meetings of the directors of the company, held on the 30th day of July, A.D. 1892, and on the 26th day of September, 1892, it was resolved, that, after the sanction of the shareholders has been obtained, at a special general meeting called for that purpose, the company should issue its first mortgage bonds, and secure the same by a mortgage upon the whole of the property, assets, rents and revenues of the company, both present and future ; and that such mortgage and bonds should be of the nature and effect following :—

1. The bonds shall be executed under the seal of the company, and signed by the president or other presiding officer, and countersigned by its secretary, as provided in the Act incorporating the company.

2. The total amount of such bonds may equal but shall not exceed $35,000 for each mile of street railway track now or hereafter constructed, and shall never exceed in the aggregate $4,550,000. The actual issue of such bonds from time to time shall not exceed the sum of $35,000 for each mile of street railway track constructed or under contract for construction at the times of such actual issue.

3. The said bonds shall be dated on the first day of September, 1892, and the principal money secured thereby shall be payable on the first day of August, one thousand nine hundred and twenty-one.

4. Interest shall be at the rate of four and one-half per cent. per annum, payable half-yearly on the twenty-eight day of February and thirty-first day of August in each year during the currency of said bonds, and such interest shall be represented by coupons attached to the bonds ; the first coupon for six months' interest being payable on the the twenty-eight day of February, one thousand eight hundred and ninety-three. The place of payment of both principal and interest shall be at the chief office of the Canadian Bank of Commerce, in the city of Toronto.

5. The said bonds shall contain a provision that the company shall, during each of ten years preceding the year ending on the thirty-first of August, one thousand nine hundred and twenty-one, redeem five per cent. of the whole issue, so that there shall be outstanding on that date fifty per cent. only of the total amount of bonds issued.

6. The mortgage securing the bonds shall be executed under the seal of the company, and signed by the president and secretary, and shall be made in favour of Richard Bladworth Angus, of the city of Montreal, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the Dominion of Canada, Esquire, trustees, and, save and except as to the bonds or debentures for six hundred thousand dollars in the said Act referred to, shall form a first and preferential claim and charge upon the company and its undertaking, and the privileges acquired under the said agreement, in the said recited Act mentioned, and by the said recited Act confirmed, and upon the tolls and income, rents and revenues and real and personal property of the company, now owned, or at any time hereafter acquired ; subject, however, to the payment of the working expenses of the undertaking, and also subject to all charges in favour of the city of Toronto, as provided for the said agreement.

7. The demonination of the bonds shall be as follows, viz : Bonds for one thousand dollars each.

And whereas at a meeting of the shareholders of the company, held on the 26th day of September, A.D. 1892, at which all the shareholders were present either in person or by proxy, a resolution was passed unanimously, as follows, viz :—

" That the directors of this company are authorized to issue the bonds of the company, under the provisions of the Act incorporating the company in that behalf, to an amount not exceeding $35,000 for each mile of street railway track constructed, or hereafter to be constructed, and that such bonds shall not at any time exceed in the aggregate $4,550,000 and shall be secured by a mortgage of the company's property, assets, rents and revenues, present or future, or both, and that such bonds shall be in conformity with the resolution of the board

of directors relating thereto, and passed on the 30th day of July, A.D. 1892, as amended on the 26th day of September, 1892, and that such resolution, and the issue of the bonds thereby provided for, are authorized, sanctioned and approved."

And whereas, a draft of this deed of mortgage, and the bonds and coupons herein referred to and in part recited, was presented at the said meeting of the shareholders, held on the 26th day of September, A.D. 1892, at which all the shareholders were present, either in person or by proxy, and each of the provisions in the said draft was duly approved and confirmed by a further resolution passed at the said meeting, and this deed, and the bonds and coupons hereinafter set forth, conform in all respects to the said draft ;

And whereas, the bonds to be issued by the said company are to be certified by the trustees, and are to be each, of the nature and effect, and according to the form following, that is to say :—

DOMINION OF CANADA.

Province of Ontario.

THE TORONTO RAILWAY COMPANY.

Incorporated under 55 Vict., Chapter 99, Statutes of Ontario

Number $1,000.00

First Mortgage Bond.

The Toronto Railway Company, for value received, hereby promises to pay to the bearer, or if registered then to the registered holder hereof, the sum of one thousand dollars, in gold coin, or its equivalent of lawful money of Canada, on the 31st day of August, A.D. 1921 (subject to previous redemption of this bond, in accordance with the conditions of the mortgage below mentioned and the endorsement hereon), at the chief office of the Canadian Bank of Commerce, in the city of Toronto, Province of Ontario and Dominion of Canada, with interest thereon at the rate of four and one-half per cent. per annum, payable half-yearly at the said place, in like money, on the 28th day of February and 31st day of August in each year, on presentation and surrender of the interest coupons, hereto annexed, as they severally become due and payable. This bond is one of a series, and each of like date, tenor and effect, issued and to be issued, to an aggregate not exceeding four million five hundred and fifty thousand dollars, and not exceeding the sum of thirty-five thousand dollars for each mile of street railway track constructed, or under contract for construction at the times of actual issue, for the security of which, and the interest thereon, the undertaking, franchises, privileges, rents, revenues, tolls, income, assets and real and personal

property of the company, at any time acquired, both present and future, are mortgaged to Richard Bladworth Angus, of the city of Montreal, Esquire, and George Albertus Cox, of the city of Toronto, Esquire, as trustees, by a mortgage bearing even date herewith. Each holder of the said bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings shall be taken to enforce payment of the said bonds, or of the interest thereon, except through the said trustees. This bond shall pass by delivery, but may, at the option of the holder, be registered, at any time in the same manner as the shares of the company are registered, and, while so registered, they shall be transferable by written transfer, registered in the same manner as in the case of the transfer of shares, and as provided by the said mortgage. A transfer in favor of the bearer may subsequently be registered, after which it will be transferable by delivery alone until again registered in the name of the holder. If the company makes default in paying the principal or interest of this bond, when the same becomes due, then at the next annual general meeting of the company, and at all subsequent meetings, the registered holder of this bond, if the same is still in default, shall, in respect thereof, have the same right and privilege and qualification for being elected a director and voting at general meetings as would attach to him if he were a shareholder holding fully paid-up shares of the company to the amount of this bond, but subject to the provisions of the Act incorporating the company. This bond is subject to the condition hereon endorsed. This bond shall not become obligatory until it shall have been certified by the trustees, or their successors in the trust.

In witness whereof the Toronto Railway Company has caused its seal to be hereunto affixed, and these presents to be signed by its president, or vice-president, and countersigned by its secretary, the first day of September, one thousand eight hundred and ninety-two.

Countersigned President.

Secretary.

(ENDORSED ON THE BOND.)

Certified

Trustees

(ALSO ENDORSED.)

THE TORONTO RAILWAY COMPANY $1,000 FIRST MORTGAGE BOND.

INTEREST 4½ PER CENT., PAYABLE FEB. 28TH AND AUG. 31ST.

Number

Number INTEREST COUPON. $22.50.

The Toronto Railway Company will pay the bearer, on the 28th day of February, A.D. 1893, twenty-two dollars and fifty cents, in gold, or its equivalent of lawful money of Canada, at the chief office, of the Canadian Bank of Commerce, in the city of Toronto, being half-yearly interest on bond number

CONDITION ENDORSED ON THE SAID BOND.

This bond is subject to be redeemed at par, in pursuance of the within mentioned mortgage as follows:—

On the 31st day of August in each of the ten years preceding the year ending on the 31st day of August, A.D. 1921, the company shall redeem five per cent. of the whole issue of bond . The bonds to be redeemed each year shall be determined by lot, and the result of the lot in each case shall be published in the city of Toronto, by advertisement at least four times a week, in a daily newspaper at least forty days before the time of redemption, from which time interest on the bonds designated shall cease to accrue. Notice of such result shall also be mailed to the registered address of any registered holder of any bond to be redeemed.

Now, therefore, this indenture witnesseth that the company for and in consideration of the premises, and for the purpose of securing the said bonds so issued, and to be issued, and the interest specified in the interest coupons thereto attached, and every part of the said principal and interest, as the same shall become payable according to the tenor of the said bonds and coupons, and of the sum of one dollar, of lawful money of Canada, now paid to the company by the trustees (the receipt whereof is hereby acknowledged) doth grant to the trustees, their heirs and assigns, as joint tenants, and to their successors in the trust, all and singular the lands and hereditaments respectively specified or referred to in the schedule hereto marked "A," and the railway and undertaking of the company now made, in course of construction, or hereafter to be constructed, together with all branches, extensions, sidings, switches and turn-outs, and the superstructure and tracks, and all iron, rails, ties, poles, wires, pavement and other material placed, or to be placed or used therein, or procured, or to be procured, therefor, and all structures, stables, offices, stations, station houses,

power houses, engine houses, work and machine shops, or other buildings or erections held, or acquired, for use in connection with the railway, or the business thereof, including all electric or other motors, cars and other rolling stock, or equipment, and all machinery, tools, implements, fuel and material for the constructing, operating or replacing the same railway, or any of its equipments or appurtenances, whether now held or at any time hereafter acquired, all of which things are hereby declared to be appurtenances and fixtures of the railway, and to be included in and to pass by these presents; and also all the interest of the said company in the said recited agreement with the city of Toronto and in the streets of the said city, and all franchises, powers and privileges connected with, or relating to the said railway, or the construction or maintenance thereof now held, or hereafter acquired, by the company, and all corporate or other franchises, which are now, or may be, or whenever, possessed or exercised, by the said company; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion, remainder, tolls, incomes, rents, issues and profits thereof, and all the estate, right, title, interest, property, possession, claim and demand whatsoever as well at law as in equity of the said company, of, in and to the same, and any and every part thereof, with the appurtenances; and all sums of money, claims or demands of any kind, which may be payable to the company by the corporation of the city of Toronto upon the said corporation taking possession of the said railway, and the property and effects thereof, and the amount of any award which may be made in favor of the company in pursuance of the arbitration contemplated by the said agreement and by the acts relating to the company; and generally all the real and personal property of the company of whatever kind and wheresoever situated now or at any time hereafter owned or possessed by the company during the currency of the said bonds; to have and to hold the above described undertaking, property, premises, things, rights, privileges and franchises, acquired, or to be acquired, and hereby expressed to be conveyed, and intended so to be, unto the trustees, their heirs, executors, administrators and assigns, according to the nature and quality thereof, as joint tenants, and to their successors in the trust;

But nevertheless upon the trusts and to and for the uses and for the purposes and conditions herein expressed, that is to say:—

1. All the bonds issued by the said company hereunder shall, forthwith after the issue thereof, be handed over to the trustees, and the trustees shall apply the proceeds of all, or any, of such bonds, under the provisions of section 1, clause 24, of the said recited Act 55 Victoria, chapter 99, of the Statutes of Ontario. The trustees shall retain and hold six hundred thousand dollars of the bonds first issued in pursuance of these

presents, for the purpose of redeeming six hundred thousand dollars of debentures, issued by the Toronto Street Railway Company, and referred to in the said Act of incorporation, and shall use such bonds for the purpose of paying off and procuring the cancellation of the said six hundred thousand dollars of bonds issued by the Toronto Street Railway Company as aforesaid, it being understood and agreed that the trustees shall have the right and power to exchange at par the said six hundred thousand dollars of bonds, or any part thereof, for the said bonds issued by the Toronto Street Railway Company, in the event of the holder, or holders, of the latter desiring and accepting such exchange, either at maturity or prior thereto, and upon such exchange and surrender, the trustees shall mark the bonds so surrendered as cancelled, and hand them over, so marked cancelled, to the treasurer of the company; and in the event of the holder, or holders, of the said outstanding bonds of the Toronto Street Railway Company not exchanging said bonds for those hereby secured, then the company, at the maturity of said bonds, or so many of them as may be then outstanding, shall have the right and power to sell and dispose of the said $600,000 of its bonds, held by the said trustees, or so many, or all thereof, as may be necessary to cancel and satisfy the said $600,000 of debentures issued by the Toronto Street Railway Company, or so many thereof as may be then outstanding, at such price or prices, and in such way or manner, as may by it be deemed expedient; provided, however, that the amount or amounts, realized from such sale or sales, shall be paid over unto the said trustees, and applied by them to the cancellation of the said $600,000 debentures of the Toronto Street Railway Company, or so many thereof as may be then outstanding, and any balance from such sale or sales, over and above the amount necessary to satisfy and redeem the said bonds of the Toronto Street Railway Company, shall be paid by the said trustees to the company. And in the event of the $600,000 of bonds, secured by these presents, and deposited with the trustees as aforesaid, being inadequate and insufficient to redeem the said $600,000 of bonds of the Toronto Street Railway Company, then the company shall supply such deficiency and pay over to the trustees an amount, which, with the amount or amounts realized from such sale or sales, shall be sufficient to redeem the said $600,000 of bonds of the Toronto Street Railway Company in full; and the company shall pay interest on the said $600,000 of bonds of the Toronto Street Railway Company as the same becomes due and payable, so long as such bonds are outstanding and unredeemed.

2. Until default shall be made in payment of the principal or interest of the said bonds, by these presents secured, or some of them, or until default shall be made in respect to something herein required to be done, or kept, by the company, the said company shall be suffered and permitted to possess, operate, manage and enjoy the said railway and its undertaking, with all its equipment and appurtenances, and all other property

rights and privileges hereby conveyed, or intended so to be, to take and use the rents, incomes, profits and tolls thereof in the same manner and to the same effect as if this deed had not been executed.

3. In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the company, when such interest shall become payable according to the tenor of such bond or the terms of any coupon thereto annexed, and such default shall continue for a period of four months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the company, and such default shall continue for the period of six months, then and from thenceforth, and in either of such cases, it shall be lawful for the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway, railway tracks, motors, poles, wires, machinery, real and personal estate and premises hereby conveyed or intended so to be, acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the said railway and premises and each and every part and parcel thereof, then subject to the lien of these present, with full power to operate and conduct the business of the said railway by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; and, after deducting the expenses of operating the said railway and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, including all payments to the corporation of the city of Toronto under said agreement, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created the trustees shall apply the moneys arising from such collections and receipts as aforesaid, to the payment of interest on the said bonds, in the order in which said interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next

thereafter to fall due, the same may be paid over to the company; but in case the principal of said bonds shall have become due, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon a sale of the said railway and premises as hereinafter provided; but the provisions of this clause are subject to the rights of the city of Toronto, under the agreement above mentioned.

4. In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue, as aforesaid, for the period of four months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, whether by effluxion of time, selection for redemption, or declaration of the trustees as hereinafter provided for, and shall continue for a period of four months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents, to sell and dispose of the said railway, and all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction, in the city of Toronto, in the Province of Ontario, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale by advertisement published not less than three times a week for three successive months, in one or more daily newspapers published in the city of Toronto, in one or more daily newspapers published in the city of New York, and in one or more daily newspapers published in the city of London, England, and in such other manner as the trustees may think proper. And, after such notice, it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserve bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereinunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and resell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, make the same, with or under any of the powers herein, after such notice and advertisement as they may think best, at any time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway and premises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from, through or under the company, or its assigns. And, after deducting from the proceeds of such sale just allowance for all expenses thereof, including

attorney's and counsel fees, and all other expenses, advances or liabilities. which may have been made or incurred by the trustees in operating or maintaining the said railway and premises, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens prior to the lien of these presents on the said premises, or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in Article Third, it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders. Provided, however, that should interest on some bonds have been paid up to a later date than interest on other bonds the trustees shall before applying such residue as aforesaid pay the interest on all bonds up to the same date, in order that all may stand on an equal footing when such residue is being applied. And if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the company or its assigns. And it is hereby declared and agreed, that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money and having such receipt, said purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or nonapplication of of such purchase money, or of any part thereof, nor shall he or they be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

5. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond, or of any coupons thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of four months after the same shall have become payable as aforesaid, and such default shall continue for four months thereafter, then and from thenceforth, the principal sum of each of the bonds aforesaid shall, upon a declaration of the trustees to that effect, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed ; but a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have the power, by an instrument in writing, under their hands and seals, or by a vote at a

meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, to instruct the trustees to declare such principal sum due, or to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe: provided always, that no act or omission either of the trustees, or of the bondholders in the premises, shall extend to, or be taken in any manner whatsoever to affect, any subsequent default or the rights resulting therefrom.

6. It shall be the duty of the trustees to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the company, or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed, as follows:

A.—In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of four months; then and in every such case, upon a requisition in writing, signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof:

Provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as herein provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed, that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trust thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and

indemnification as aforesaid ; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees, to waive default. And it is hereby further declared and provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or the rights of the trustees, or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

B.—If the company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them then and in such case, the trustees shall, upon a requisition in manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, subject to a power in such majority at any time to direct, in manner aforesaid, the trustees to waive such default or breach, upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

7. The board of directors of the company may from time to time, by resolution, require the said trustees, to convey by way of release or otherwise to discharge from operation of these presents any lands acquired or held for the purpose of stations, depots, car shops, machine shops, power houses or other buildings or premises connected therewith, or any lands which may have become disused, or which the board of directors and the trustees may deem it expedient to disuse or abandon, and which land or premises respectfully shall, by resolution of the said board, concurred in by the trustees in writing, be declared to be unnecessary for the purposes and business of the company, and in every such case the said trustees, when so required, shall execute such release and discharge accordingly ; and without in any way limiting the generality of these presents it is hereby declared that any lands that may be acquired in lieu of or in substitution for lands so released or discharged, and any newly or subsequently acquired lands shall be deemed to come within the operation of these presents and to be included therein, and shall be conveyed to and held by the said trustees for the trusts of these presents ; and it is further declared that the said company from time to time may sell or dispose of any part of the equipment, rolling stock, motors, machinery, implements or other materials at any time held, or acquired, for the

use and purposes of the said company, as may, by the resolution of the board of directors, be declared to be no longer useful or necessary for the company's business, and without in any way limiting the generality of these presents, it is declared that any new, or subsequently acquired, equipment, rolling stock, motors, machinery, implements and material or any such acquired in lieu of or in substitution for that sold or disposed of, shall come within and be subject to the operation of these presents and be included therein.

8. All bonds hereby secured, shall be payable to bearer, and be negotiable and pass by delivery, unless registered for the time being in the name of the owner thereof in the manner provided for the registration of the shares of the company; and the mode and manner of registration and transfer as applicable to the said bonds shall be as follows: The company shall keep at its chief office in the city of Toronto a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at such office a written statement of the said particulars and verifying his title to such bond by the production thereof; and every such registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon no transfer shall be made or shall be valid except in writing in a suitable transfer book to be kept by the company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show the number of the bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

9. If the Company makes default in paying the principal or interest on any of the bonds hereby secured when the same, by the terms of the bond, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings all holders of such bonds, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount. The right given hereby shall not be exercised by any holder thereof unless the bond on which he claims to exercise such right has been registered in his name, as provided for in article eight at least ten days before he attempts to exercise the right of voting

thereon ; provided, however, that the exercise of this right shall not take away, limit or restrain any rights or remedies to which the holders of the said bonds are entitled, under the provisions of this deed.

10. The trustees, or any trustee, hereunder, may take such legal advice and employ such assistance as may be necessary, in their judgment, to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation and all proper costs, charges and expenses incurred by them the company hereby promises and agrees to pay; but in case the company shall make default in such payment, the same may be retained by the trustees out of any trust moneys coming into their hands. Provided always that the trustees shall be entitled to be paid by the company fifty cents for each bond certified by them, which payment shall be in full for all services of the trustees prior to default by the company in payment of the principal or interest on bonds, but should such default occur, then the remuneration of the trustees for services consequent upon such default shall be fixed in the usual way under the statute in that behalf.

11. The trustees shall not, nor shall any trustee hereunder be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trust, and not the one for the other or others of them, or the acts or defaults of the other or others

12. Any one of the trustees may resign his trust and be discharged from all further duties thereunder, or liability thereafter accruing, upon giving three months' notice in writing to the company, if such resignation takes place before any default by the company in the payment of any interest or principal, or in any of the conditions hereof; or after such default, upon giving a like notice to the company and to the bondholders, at the same time calling a meeting of the bondholders to accept his resignation, or upon such shorter notice as the company or the bondholders as the case may be may accept as sufficient.

13. The number of the trustees shall always be kept up to two, and one of the trustees shall always be a resident of the Province of Ontario. In case of the resignation, death, removal from office, or incapacity to act of any one or more of the trustees, a successor, or successors, shall be at once appointed to fill such vacancy by a judge of the High Court of Justice for Ontario upon the application of the company, or of the remaining trustee, upon notice being given to the other trustee and also to the bondholders by advertisement in each issue for two weeks in the *Ontario Gazette* and in one daily newspaper published in Toronto. From thenceforth on any new appoint-

ment, under this article, any person so appointed shall be vested with the same powers, rights, interests and charges, and the same duties and responsibilities, as if he had been originally named among the parties of the second part to this instrument, in place of the trustee whom he succeeds, without any further assurance, conveyance, act or deed; but there shall be immediately executed all such conveyances, or other instruments, as may be necessary, or suitable for the purpose of assuring to the new trustee, so appointed, a full joint estate in the premises. If no such application be made by the company or the remaining trustee during four weeks after any such vacancy happens, such application may be made by any holder or holders of said bonds upon notice being given to the company and to the other trustee and to the other bondholders by advertisement as aforesaid.

14. Meetings of the holders of bonds secured under this mortgage may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and a quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered, or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum and make such regulations or by-laws, such powers may be exercised by the trustees, including the fixing of the mode of the calling of the first meeting and the conduct thereof. And the trustee shall have the right, at or before any meeting of bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meetings. And whenever and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorised and required to call a meeting of the holders of bonds secured hereby to be held in the said city of Toronto, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for at least four weeks, in at least two daily newspapers of good circulation among the business community in said city of Toronto, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder, of the necessity therefore, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at

least one-fifth of the entire outstanding bonds of the company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. Until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any meeting.

15. The word "trustees," wherever used in this indenture shall in all cases be construed to mean any one person or more persons who for the time being shall be trustee or trustees, whether such person or persons be the parties of the second part or any successor or successors of said parties of the second part appointed hereunder. In case of a vacancy in said trust the surviving or continuing trustee, if there be any, shall be competent to exercise, until the appointment of a new co-trustee, any and all powers and authorities herein granted to the said parties of the second part.

16. If the company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument, when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons, respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by it or them done and observed, then and in that case all the estate, right, title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue And upon any such determination of such interest the trustees shall, on the request and at the costs and charges of the company, execute such re-conveyance and re-assingnment of the premises, as may be necessary or expedient.

17. The company, in consideration of the premises, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that whenever and as often as the company shall hereafter acquire any additional property, rights, franchises or things whatsoever, pertaining to or for use upon, the said railway, hereinbefore conveyed, or upon any part thereof, the company and its assigns, shall and will acquire, possess and hold the same, and every part and parcel thereof, upon and subject to the trust of this indenture, until conveyance thereof shall be duly made and delivered to the trustees, for the benefit of the trust by these articles created.

18. And the company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby

secured or intended so to be, shall be issued only at such time and in such amounts as hereinbefore limited ; that the company will in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary, for that purpose, to the payment of the interest accruing in such year on said bonds, when the same shall become due until all the said bonds shall be fully paid and satisfied ; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every sort and description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed or intended or contemplated so to be, so as to keep the mortgaged premises free and clear from any incumbrance by reason thereof ; also that it will duly make all payments to the corporation of the city of Toronto as provided by the said agreement as and when the same become payable; and also that it will insure and during the continuance of this mortgage keep insured against loss or damage by fire all insurable property hereby mortgaged, conveyed or mentioned, or intended so to be, in proper insurable proportions in the sum of its full insurable value in some insurance company or companies satisfactory to the said trustees, and pay all premiums and sums of money necessary for such purpose as the same become due, and in the event of any loss of the said property, or any part thereof, by fire, all moneys payable from time to time to the company by the insurance company or companies in respect of such loss or losses shall be held by the company for the benefit of the trust by this mortgage created in the event of the same not being expended by the company in rebuilding or replacing the property destroyed, and subject as aforesaid, will on demand in writing by the said trustees pay over such insurance moneys to the trustees for the benefit of the trust hereby created ; but in the event of the said insurance moneys or any part thereof not being required by the company in rebuilding or replacing as aforesaid, then the same may be used by the company in such manner as the board of directors may declare by resolution, concurred in by the trustees in writing ; and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trust herein expressed, the railway aforesaid, acquired or to be acquired, constructed or to be constructed, together with their equipments, appurtenances and franchises, and all and singular the lands, property, insurance policies, insurance moneys and things, hereinbefore mentioned or described,

acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, to the trustees, or their successors in the trust created by these presents as by the trustees or by their counsel learned in the law shall be reasonably advised, devised or required.

19. The company hereby covenants and agrees with the trustees, and their successors and survivor, for the benefit and in trust for the holders of the said bonds, that the said company will pay off and redeem, on the thirty-first day of August in each of the ten years preceding the year ending on the 31st day of August, A.D. 1921, five per cent. of the whole issue of bonds, so that there shall be outstanding in the last of such ten years fifty per cent. only of the total amount of bonds issued ; and if any part of the said $4,550,000 of bonds be issued after the first determination by lot of the bonds to be redeemed during said ten years, there shall be cancelled by the trustees and delivered back to the company so much of said part as will represent five per cent. thereof for each year of said ten years prior to the issue of such part, so that the five per cent. to be redeemed during the succeeding years will be sufficient to leave outstanding in the last of said ten years fifty per cent. only of the total amount of bonds issued. And the company will pay, for the purpose of paying off and redeeming such bonds, into the chief office of the Canadian Bank of Commerce, in Toronto as aforesaid, at least ten days before the 31st day of August in each of the years 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919 and 1920, an amount sufficient to pay off and redeem such five per cent. of the whole issue of bonds, as aforesaid; and the particular bonds so to be redeemed shall be determined in every case by lot cast or drawn some time in the month of June next previous to such redemption by some disinterested person or persons appointed by the company and approved of by the trustees, and the result of such lot designating and specifying the particular bonds to be redeemed shall be published in the city of Toronto, by advertisement at least four times a week in a daily newspaper in the said city at least forty days before the day of payment ; and notice of such result shall also be mailed to the registered address of any registered bondholders. And that all bonds so redeemed, and all coupons thereof, shall be surrendered to and cancelled by the company in the presence of the trustees, who shall keep a list thereof, and no interest shall accrue on any bonds so designated for redemption after it has thereby become payable, and the company shall be ready to pay the same ; and all coupons representing future interest on such bonds so designated and specified shall thenceforth and thereafter be void.

In witness whereof the company has caused its corporate seal to be hereunto affixed, and these presents to be signed by

its president, and by its secretary; and the said trustees, to evidence the acceptance of the said trust, have likewise signed and sealed these presents.

	TORONTO RAILWAY COMPANY,	
Signed sealed and delivered in the presence of	By	
	(Sgd) WM. MCKENZIE, President.	Seal of Toronto Railway Comp'y.
(Sgd) W. P. TORRANCE,	(Sgd) J. C. GRACE, Secretary.	
(Sgd) CHAS. E. L. PORTEOUS,	(Sgd) R. B. ANGUS, Trustee.	[Seal.]
(Sgd) V. C. BROWN.	(Sgd) GEO. A. COX Trustee.	[Seal.]

SCHEDULE "A"

Referred to in the mortgage made this first day of September, in the year of our Lord one thousand eight hundred and ninety-two, between The Toronto Railway Company, a body corporate and politic duly incorporated under the laws of the Province of Ontario, in the Dominion of Canada; hereinafter called "The Company," party of the first part, and Richard Bladworth Angus, of the city of Montreal, in the Province of Quebec, in the Dominion of Canada, Esquire, and George Albertus Cox, of the city of Toronto, in the said Province of Ontario, Esquire; hereinafter called "The Trustees," parties of the second part.

Lands, including all buildings and erections thereon:

(*a*) That freehold property of the Toronto Railway Company on the south-east corner of Front and Frederick streets, in the city of Toronto, having a frontage of two hundred feet on the south side of Front street, a frontage of two hundred feet and five inches on the north side of Esplanade street, and a frontage of four hundred and fifty-three on the east side of Frederick street excepting thereout the lot known as the Currie lot, having a frontage on Frederick street of eighty feet and two inches by a depth of sixty-six feet.

(*b*) That freehold property of the said company on the south-west corner of Front and George streets, in said city, having a frontage of one hundred and thirty-eight feet and five inches on the south side of Front street, a frontage of four hundred and forty-three feet and three inches on the west side of George street, and a frontage of one hundred and thirty-four feet and three inches on the north side of Esplanade street.

(*c*) That freehold property of the said company on the north-west corner of Front and Frederick streets, in said city,

having a frontage of one hundred and thirty-six feet on the north side of Front street, and a depth of one hundred and thirty-six feet and nine inches on the west side of Frederick street.

(*d*) That freehold property of the said company on the south-east corner of King and St. Lawrence streets in said city, having a frontage of two hundred feet on the south side of King street, and a frontage of one hundred and ninety-three feet and nine inches on the east side of St. Lawrence street.

(*e*) That leasehold property of the said company on the north side of St. Lawrence street occupied by them in connection with the freehold property lastly above described, and held by the said company under lease from the trustees of the Toronto General Hospital.

(*f*) That freehold property of the said company on the south side of Scollard street, in said city, commencing on the south side of Scollard street at a point distant one hundred and seventy feet westerly from the west side of Yonge street, and running westerly from that point three hundred feet, and having a uniform depth of seventy-five feet and eight inches, together with the leasehold property of the said company adjoining the same and used in connection therewith.

(*g*) That freehold property of the said company on the north side of Yorkville avenue three hundred and seventy feet westerly from the west side of Yonge street and running from that point westerly one hundred feet, and having a uniform depth of one hundred and sixty-five feet and eleven inches.

This is Schedule "A" referred to in within mortgage.

Witness,

(Sgd.) W. P. TORRANCE,

(Sgd.) WM. MCKENZIE,
President.

(Sgd.) J. C. GRACE,
Secretary.

Seal of Toronto Railway Company.

No. 59

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act respecting the Toronto Railway Company.

First Reading, 20th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 60.] **BILL.** [1893.

An Act to enable the Board of Education for the Town of Sarnia to convey certain lands to the Corporation of the Town of Sarnia.

Preamble.

WHEREAS the board of education for the town of Sarnia have by their petition shewn that lot number 25 on the east side of Mitton street and north side of George street, was on the 15th day of January, 1859, in consideration of the payment of $1,200 conveyed to the joint board of grammar and common school trustees of the town of Sarnia, and on the same day lots numbered 29, 30, 31 and 32 on the south side of Essex street in the said town of Sarnia, according to the plan and survey of the Vidal estate were in consideration of the payment of the sum of $640 conveyed to the said joint board and that all of the said lands were so acquired by the said joint board for the purpose of a public school site, and that a grammar school was built upon the said site in or about the year 1860, and has been used as such and as a high school until recently when the same became inadequate, and a collegiate institute has been erected upon other lands, the said site being deemed insufficient; and the said board is desirous of conveying the said lands to the corporation of the town of Sarnia, and have prayed that the said lands be vested in the said board of education freed and discharged of every trust and condition, and that the said board be enabled to convey the said lands to the corporation of the town of Sarnia; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested in board free from trusts.

1. The said lands composed of lot number 25 on the east side of Mitton street and north side of George street, and lots numbered 29, 30, 31 and 32 on the south side of Essex street, all in the town of Sarnia are hereby vested in the board of education for the town of Sarnia, its successors and assigns forever freed from all conditions and trusts.

Board may convey lands to town of Sarnia.

2. The said board may pass a by-law providing for the conveyance of the said lands to the corporation of the town of Sarnia, and a conveyance thereof may be made by the said board to the said corporation, its successors and assigns forever, and if signed by the chairman and secretary-treasurer of said board such conveyance shall be deemed to be in pursuance of a proper by-law of the said board duly passed.

No. 60.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Board of Education for the Town of Sarnia to convey certain lands to the Corporation of the Town of Sarnia.

First Reading, 1893.

(Private Bill.)

Mr. MACKENZIE, (Lambton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 60.] BILL. [1893.

An Act to enable the Board of Education for the Town of Sarnia to convey certain lands to the Corporation of the Town of Sarnia.

Preamble.

WHEREAS the board of education for the town of Sarnia have by their petition shewn that lot number 25 on the east side of Mitton street and north side of George street, was on the 15th day of January, 1859, in consideration of the payment of $1,200 conveyed to the joint board of grammar and common school trustees of the town of Sarnia, and on the same day lots numbered 29, 30, 31 and 32 on the south side of Essex street in the said town of Sarnia, according to the plan and survey of the Vidal estate were in consideration of the payment of the sum of $640 conveyed to the said joint board and that all of the said lands were so acquired by the said joint board for the purpose of a public school site, and that a grammar school was built upon the said site in or about the year 1860, and has been used as such and as a high school until recently when the same became inadequate, and a collegiate institute has been erected upon other lands, the said site being deemed insufficient; and the said board is desirous of conveying the said lands to the corporation of the town of Sarnia, and have prayed that the said lands be vested in the said board of education freed and discharged of every trust and condition, and that the said board be enabled to convey the said lands to the corporation of the town of Sarnia; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested in board free from trusts.

1. The said lands composed of lot number 25 on the east side of Mitton street and north side of George street, and lots numbered 29, 30, 31 and 32 on the south side of Essex street, all in the town of Sarnia are hereby vested in the board of education for the town of Sarnia, *their* successors and assigns forever freed from all conditions and trusts.

Board may convey lands to town of Sarnia.

2. The said board may pass a by-law providing for the conveyance of the said lands to the corporation of the town of Sarnia, and a conveyance thereof may be made by the said board to the said corporation, *their* successors and assigns forever, and if signed by the chairman and secretary-treasurer of said board such conveyance shall be deemed to be in pursuance of a proper by-law of the said board duly passed.

No. 60.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Board of Education for the Town of Sarnia to convey certain lands to the Corporation of the Town of Sarnia.

First Reading, 20th April, 1893.

(*Reprinted as amended by the Committee on Private Bills.*)

(Private Bill.)

Mr. MACKENZIE, (Lambton W.).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] BILL. [1893.

An Act respecting The Toronto Incandescent Electric Light Company, Limited.

Preamble.

WHEREAS The Toronto Incandescent Electric Light Company (Limited), was duly incorporated by Letters Patent dated the 31st July, 1889, issued under *The Ontario Joint Stock Companies' Letters Patent Act*, and the *Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power;* and whereas, by Letters Patent issued under the said firstly above-mentioned Act, dated the 8th August, 1891, the capital stock of the company was increased to $500,000; and whereas, the company has petitioned that an Act may be passed to change the name of the company and to confirm to the said company under such changed name the powers conferred upon the company by the said Letters Patent and to confirm a certain agreement bearing date the 31st day of July, 1889, made between the corporation of the city of Toronto and the company, to increase the capital stock of the company and to extend the powers of the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of company changed.

1. The name of the said company is hereby changed to that of the "Incandescent Light Company of Toronto"; and from and after the passing of this Act the said corporation shall be called and known as the "Incandescent Light Company of Toronto."

Company not to be deemed a new corporation.

2. The company under its said name as changed as aforesaid shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the said Acts in the preamble of this Act mentioned, or otherwise, have been held, exercised and enjoyed by the company in as full and ample a manner as if the company had continued under its original name; and the several provisions of the said Acts are hereby incorporated in and are to be considered as sections of this Act as if they had been set out at length in and enacted as part thereof subject after the passing of this Act only to the amendments in this Act contained; and all real and personal property, shares or

stock, obligations, debts, claims, rights, powers and privileges of the company shall after the passing of this Act be held by and vested in the company under the name of the "Incandescent Light Company of Toronto"; and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act, begun by or against the company, may be continued under the name or under the style of cause in which they have been begun.

Agreement with city of Toronto confirmed.

3. The agreement made between the corporation of the city of Toronto of the first part and the company of the second part, and which is set out in schedule "A" to this Act, except in so far as the name of the company may be changed by this Act, is hereby confirmed and made valid and binding in all respects whatsoever as fully and completely as if the said agreement had been made with the company in the name of the company as changed as aforesaid, and as if the several clauses of the said agreement with the name of the company so changed as aforesaid, wherever the name of the company occurs therein were set out at length and enacted as part of this Act; and the execution of the said agreement by the corporation of the city of Toronto is hereby declared to have been and to be legal and binding on the said corporation for all the purposes in the said agreement contained; provided always, that notwithstanding anything in this Act contained the council of the corporation of the city of Toronto and the company may agree together to change any of the provisions of the said agreement, or to make any further and other provisions respecting the matters set forth in the said agreement.

Power to increase capital stock.

4. The capital stock of the company may be increased from time to time by resolution passed by two-thirds in value of the shareholders present in person or by proxy at any annual general meeting of the company, or at a special general meeting of the shareholders called for the purpose of considering such resolution, to an amount not exceeding $2,000,000.

Declaration of transferee on transmission of shares by death, etc.

5. If the interest of any person in any share in the capital stock, or in any debenture, bond or obligation of the said company (such debenture, bond or obligation not being payable to bearer) is transmitted in consequence of the death, bankruptcy or insolvency of such person, or by other lawful means other than a transfer upon the books of the company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the company, or to recognize such transmission in any manner until a declaration in writing showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former holder, if living and having power to execute the same, shall have been filed with the secretary of the company and approved by the direc-

tors; and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public or a judge of a court of record in the Dominion of Canada, or in Great Britain or Ireland or any other of Her Majesty's Dominions, or in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim give full credit to the declaration; and unless the directors are not satisfied with the responsibility of the tranferee, shall allow the name of the party claiming by virtue or the transmission to be entered in the books of the company.

Proof of transmission of interest on death.

6. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration or testament testamentary, or other judicial or official document under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated copy thereof or extract therefrom shall, together with the declaration be produced and deposited with the manager or other officer named by the directors for the purpose of receiving the same and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, debenture, bond or obligation of the company, or transferring or consenting to the transfer of any share, debenture, bond or obligation in pursuance of or in conformity to such probate, letters of administration or other document as aforesaid.

Directors may take opinion of court as to legality of claims.

7. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, debenture, bond, obligation, dividend or proceeds thereof, then and in such case it shall be lawful for the company to file in the High Court of Justice for Ontario a petition stating such doubt and praying for an order or judgment adjudicating and awarding the said shares, debentures, bond, obligation, dividend or proceeds to the party or parties legally entitled to the same, and such court shall have authority to restrain any action or proceeding against the company, directors or officers thereof for the same subject matter pending the determination of the petition, and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition and the proceedings thereupon; provided, always, that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such charges, debentures, bonds, obligations, dividends or proceeds, and shall be paid to the company before the company

shall be obliged to transfer, assent to the transfer, or pay any such charges, debentures, bonds, obligations, dividends or proceeds to the person or persons found entitled thereto.

Rights of aliens, etc.

8. The provisions of this Act and of the Acts hereinbefore mentioned shall for all purposes extend to aliens, denizens, families and co-partners ; and corporate bodies may hold shares in the company.

Power to operate street railways

9.—(1) The company shall have power, by and with the consent of the council of the city of Toronto, county of York and local municipal corporations within the county of York, or any of them, to acquire privileges to build and operate surface railways within the limits of such municipalities and over roads within their jurisdiction, by electric or other motive power upon such terms and conditions and for such periods not exceeding thirty years as may be agreed upon between the company and such municipal corporation or corporations.

Municipal corporations may make agreements.

(2) The councils of the said municipal corporations respectively are hereby authorized and empowered to make and enter into such agreements, notwithstanding any agreement already entered into by the said councils, or any of them with any other company or companies and notwithstanding any Act relating to the same.

Agreements with other companies.

10. The company shall also have power to enter into agreements with any other company or corporation owning a privilege for the operation of a surface railway within the limits of the said municipal corporations or any of them, to acquire or lease any such privilege, or to make traffic or operating arrangements with any such company or corporation upon such terms and conditions as the board of directors of the contracting companies or corporations may fix and agree; but every such agreement or arrangement must be sanctioned at a special general meeting of the shareholders of the company, called for the purpose of considering the same by a vote of at least two-thirds in value of all the shareholders of the company.

Incorporation of Rev. Stat. c. 171, s. 16, sub-ss. 1, 2 and 3.

11. Sub-sections 1, 2 and 3 of section 16 of *The Street Railway Act* are hereby incorporated in and made part of and are to be considered as sections of this Act and are to apply to the acquisition by the company of sites for power, buildings and other necessary privileges.

Fares.

12. The fare of every passenger shall be due and payable on entering the car or other conveyance of the company, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested so to do, shall be liable to a fine of not more than $10, beside costs, and the same shall be recoverable before any justice of the peace.

SCHEDULE "A."

Section 3.

This agreement made the thirty-first day of July, A.D. 1889, between the corporation of the city of Toronto, hereinafter called the "Corporation" of the first part and the Toronto Incandescent Electric Light Company, hereinafter called "The Company" of the second part.

Whereas the company proposes to establish works in the city of Toronto, hereinafter referred to as "the city," for the manufacture, production and supply of electricity for the purposes of light, heat, power and other purposes, and has applied to the corporation for the right to lay down underground wires, conduits and appliances for the distribution and supply of electricity throughout the city.

And whereas the corporation has agreed to grant such right upon the terms and conditions hereinafter set forth:—

1. Now this indenture witnesseth that in consideration of the premises and of the covenants and agreements herein set forth on the part of the company to be observed and performed the corporation doth hereby give and grant unto the company, their successors and assigns, the right to construct, lay down and operate underground wires, conduits and appliances for the distribution and supply of electricity as aforesaid, and to take up, renew, alter and repair the same, and for that purpose from time to time, under the supervision of the city engineer, and to his satisfaction, to make such openings in, upon and along the streets, lanes, parks and public places in the city of Toronto as may be found necessary or convenient for the purposes aforesaid: and thereafter to fill all such openings and to restore the road-bed as nearly as possible to the same condition in which it was before such openings were made.

All such openings shall be made at such times and places and in such manner as the city engineer may from time to time direct.

2. When and as often as it may be necessary for the company, their successors and assigns to make any such openings, they shall give at least ten days' notice in writing to the mayor and city engineer of their desire to make such openings, specifying therein the portion of the road-bed in which they desire such openings to be made.

3. The council of the corporation shall have the right to prohibit the company from making such openings in any street, lane, park or public place if there be any cause why such opening should not be made, and another street, lane or place whereby access to the locality desired to be reached is available.

4. The work aforesaid shall not be delayed unnecessarily but shall be carried on and completed with all reasonable despatch, due regard being had to the proper and efficient execution thereof; and in case the said openings that may be made by the company be not filled up and the said road-bed restored as aforesaid within such time as the city engineer may by writing under his hand allow for the same, the corporation may proceed to fill up such opening and to restore such road-bed at the expense of the company, and the expense thereof shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand and recoverable with costs by action in any court of competent jurisdiction.

5. The company shall indemnify the corporation for and in respect of all damages and costs that may be sustained by or to which the company may be put in consequence of opening up of any street, lane, park or public place aforesaid by the company, or in consequence of the road-bed not being restored to the same condition in which it was before such openings were made by the company as aforesaid, or otherwise by reason of the exercise by the company of the powers or privileges granted under this agreement.

6. At the expiration of thirty years from the date of this agreement the corporation shall, (subject to the provisions hereinafter set forth, and if the corporation shall have given to the company one year's previous notice in writing of their intention so to do) have the right to purchase (that is at the expiration of said thirty years) all the interests and assets of the company, comprising plant, buildings and materials used or necessary for the carrying on of its business, and the amount in such case to be paid to the company by the corporation, if not agreed upon by the company and the corporation, shall be ascertained by the award of three arbitrators, to be appointed one by the corporation, one by the company and the third to be appointed by the two appointed as aforesaid; and in case the corporation shall fail to exercise such right at the expiration of the said thirty years, the corporation may at the expiration of each succeeding period of twenty years exercise the same right of purchase on the same terms, provided one year's previous notice in writing of their intention so to do shall have been given to the company.

Provided always that such right of purchase shall exist only in case the corporation shall provide for a similar right of purchase and shall impose a like condition upon all companies hereafter authorized or required by the corporation to use any of the streets, lanes, parks or public places in the city of Toronto, for the purpose of carrying on the business of electric lighting, heating or power within the city.

7. The company shall not without the consent of the corporation lease to, amalgamate with, or sell out to any other company, corporation, firm or individual, and in case the company shall lease to, amalgamate with or sell out to any other company, corporation, firm or individual, all rights granted by this agreement shall cease and be forfeited.

In witness whereof the corporation of the city of Toronto have caused their corporate seal to be hereunto affixed and the said Toronto Incandescent Electric Light Company have hereunto caused their corporate seal to be hereunto annexed the day and year first above written.

(Sd.) JOHN MCMILLAN, (S.)
President of the Council.

(Sd.) JOHN PATTERSON,
Assistant-Treasurer.

(Sd.) THE TORONTO INCANDESCENT ELECTRIC LIGHT COMPANY. (S.)

Per FREDERIC NICHOLLS,
Manager and Treasurer.

No. 61.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting The Toronto Incandescent Electric Light Company (Limited).

First Reading, 1893.

(Private Bill.)

Mr. TAIT.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] BILL. [1893.

An Act respecting The Toronto Incandescent Electric Light Company, Limited.

Preamble.

WHEREAS The Toronto Incandescent Electric Light Company (Limited), was duly incorporated by Letters Patent dated the 31st July, 1889, issued under *The Ontario Joint Stock Companies' Letters Patent Act*, and the *Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power;* and whereas, by Letters Patent issued under the said firstly above-mentioned Act, dated the 8th August, 1891, the capital stock of the company was increased to $500,000; and whereas, the company has petitioned that an Act may be passed to change the name of the company and to confirm to the said company under such changed name the powers conferred upon the company by the said Letters Patent and to confirm a certain agreement bearing date the 31st day of July, 1889, made between the corporation of the city of Toronto and the company, *and* to increase the capital stock of the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of company changed.

1. The name of the said company is hereby changed to that of the "Incandescent Light Company of Toronto"; and from and after the passing of this Act the said corporation shall be called and known as the "Incandescent Light Company of Toronto."

Company not to be deemed a new corporation.

2. The company under its said name as changed as aforesaid shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the said Acts in the preamble of this Act mentioned, or otherwise, have been held, exercised and enjoyed by the company in as full and ample a manner as if the company had continued under its original name; and the several provisions of the said Acts, ☞except sections 71, 73, and 75 to 80 of chapter 164 of the Revised Statutes of Ontario, 1887, ☜ are hereby incorporated in and are to be considered as sections of this Act as if they had been set out at length in and enacted as part thereof subject after the passing of this Act only to the amendments in this

Act contained; and all real and personal property, shares or stock, obligations, debts, claims, rights, powers and privileges of the company shall after the passing of this Act be held by and vested in the company under the name of the "Incandescent Light Company of Toronto"; and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act, begun by or against the company, may be continued under the name or under the style of cause in which they have been begun.

Agreement with city of Toronto. confirmed.

3. The agreement made between the corporation of the city of Toronto of the first part and the company of the second part, and which is set out in schedule "A" to this Act, except in so far as the name of the company may be changed by this Act, is hereby confirmed and made valid and binding in all respects whatsoever as fully and completely as if the said agreement had been made with the company in the name of the company as changed as aforesaid, and as if the several clauses of the said agreement with the name of the company so changed as aforesaid, wherever the name of the company occurs therein were set out at length and enacted as part of this Act; and the execution of the said agreement by the corporation of the city of Toronto is hereby declared to have been and to be legal and binding on the said corporation for all the purposes in the said agreement contained; provided always, that notwithstanding anything in this Act contained the council of the corporation of the city of Toronto and the company may agree together to change any of the provisions of the said agreement, or to make any further and other provisions respecting the matters set forth in the said agreement.

Power to increase capital stock.

4. The capital stock of the company may be increased from time to time by resolution passed by two-thirds in value of the shareholders present in person or by proxy at any annual general meeting of the company, or at a special general meeting of the shareholders called for the purpose of considering such resolution, to an amount not exceeding $1,500,000.

Declaration of transferee on transmission of shares by death, etc.

5. If the interest of any person in any share in the capital stock, or in any debenture, bond or obligation of the said company (such debenture, bond or obligation not being payable to bearer) is transmitted in consequence of the death, bankruptcy or insolvency of such person, or by other lawful means other than a transfer upon the books of the company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the company, or to recognize such transmission in any manner until a declaration in writing showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former holder, if living and having power to execute the same, shall have been filed

with the secretary of the company and approved by the directors; and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public or a judge of a court of record in the Dominion of Canada, or in Great Britain or Ireland or any other of Her Majesty's Dominions, or in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim give full credit to the declaration; and unless the directors are not satisfied with the responsibility of the tranferee, shall allow the name of the party claiming by virtue or the transmission to be entered in the books of the company

Proof of transmission of interest on death.

6. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration or testament testamentary, or other judicial or official document under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated copy thereof or extract therefrom shall, together with the declaration be produced and deposited with the manager or other officer named by the directors for the purpose of receiving the same and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, debenture, bond or obligation of the company, or transferring or consenting to the transfer of any share, debenture, bond or obligation in pursuance of or in conformity to such probate, letters of administration or other document as aforesaid.

Directors may take opinion of court as to legality of claims.

7. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, debenture, bond, obligation, dividend or proceeds thereof, then and in such case it shall be lawful for the company to file in the High Court of Justice for Ontario a petition stating such doubt and praying for an order or judgment adjudicating and awarding the said shares, debentures, bond, obligation, dividend or proceeds to the party or parties legally entitled to the same, and such court shall have authority to restrain any action or proceeding against the company, directors or officers thereof for the same subject matter pending the determination of the petition, and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition and the proceedings thereupon; provided, always, that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such *shares*, debentures, bonds, obligations, dividends or pro-

ceeds, and shall be paid to the company before the company shall be obliged to transfer, assent to the transfer, or pay any such *shares*, debentures, bonds, obligations, dividends or proceeds to the person or persons found entitled thereto.

Rights of aliens, etc.

8. The provisions of this Act and of the Acts hereinbefore mentioned shall for all purposes extend to aliens, denizens, *females* and co-partners and corporate bodies may hold shares in the company.

SCHEDULE "A."

Section 3.

This agreement made the thirty-first day of July, A.D. 1889 between the corporation of the city of Toronto, hereinafter called the "Corporation" of the first part and the Toronto Incandescent Electric Light Company, hereinafter called "The Company" of the second part.

Whereas the company proposes to establish works in the city of Toronto, hereinafter referred to as "the city," for the manufacture, production and supply of electricity for the purposes of light, heat, power and other purposes, and has applied to the corporation for the right to lay down underground wires, conduits and appliances for the distribution and supply of electricity throughout the city.

And whereas the corporation has agreed to grant such right upon the terms and conditions hereinafter set forth:—

1. Now this indenture witnesseth that in consideration of the premises and of the covenants and agreements herein set forth on the part of the company to be observed and performed the corporation doth hereby give and grant unto the company, their successors and assigns, the right to construct, lay down and operate underground wires, conduits and appliances for the distribution and supply of electricity as aforesaid, and to take up, renew, alter and repair the same, and for that purpose from time to time, under the supervision of the city engineer, and to his satisfaction, to make such openings in, upon and along the streets, lanes, parks and public places in the city of Toronto as may be found necessary or convenient for the purposes aforesaid: and thereafter to fill all such openings and to restore the road-bed as nearly as possible to the same condition in which it was before such openings were made

All such openings shall be made at such times and places and in such manner as the city engineer may from time to time direct.

2. When and as often as it may be necessary for the company, their successors and assigns to make any such openings, they shall give at least ten days' notice in writing to the mayor and city engineer of their desire to make such openings, specifying therein the portion of the road-bed in which they desire such openings to be made.

3. The council of the corporation shall have the right to prohibit the company from making such openings in any street, lane, park or public place if there be any cause why such opening should not be made, and another street, lane or place whereby access to the locality desired to be reached is available.

4. The work aforesaid shall not be delayed unnecessarily but shall be carried on and completed with all reasonable despatch, due regard being had to the proper and efficient execution thereof; and in case the said openings that may be made by the company be not filled up and the said road-bed restored as aforesaid within such time as the city engineer may by writing under his hand allow for the same, the corporation may proceed to fill up such opening and to restore such road-bed at the expense of the company, and the expense thereof shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand and recoverable with costs by action in any court of competent jurisdiction.

5. The company shall indemnify the corporation for and in respect of all damages and costs that may be sustained by or to which the company may be put in consequence of opening up of any street, lane, park or public place aforesaid by the company, or in consequence of the road-bed not being restored to the same condition in which it was before such openings were made by the company as aforesaid, or otherwise by reason of the exercise by the company of the powers or privileges granted under this agreement.

6. At the expiration of thirty years from the date of this agreement the corporation shall, (subject to the provisions hereinafter set forth, and if the corporation shall have given to the company one year's previous notice in writing of their intention so to do) have the right to purchase (that is at the expiration of said thirty years) all the interests and assets of the company, comprising plant, buildings and materials used or necessary for the carrying on of its business, and the amount in such case to be paid to the company by the corporation, if not agreed upon by the company and the corporation, shall be ascertained by the award of three arbitrators, to be appointed one by the corporation, one by the company and the third to be appointed by the two appointed as aforesaid; and in case the corporation shall fail to exercise such right at the expiration of the said thirty years, the corporation may at the expira-

tion of each succeeding period of twenty years exercise the same right of purchase on the same terms, provided one year's previous notice in writing of their intention so to do shall have been given to the company.

Provided always that such right of purchase shall exist only in case the corporation shall provide for a similar right of purchase and shall impose a like condition upon all companies hereafter authorized or required by the corporation to use any of the streets, lanes, parks or public places in the city of Toronto, for the purpose of carrying on the business of electric lighting, heating or power within the city.

7. The company shall not without the consent of the corporation lease to, amalgamate with, or sell out to any other company, corporation, firm or individual, and in case the company shall lease to, amalgamate with or sell out to any other company, corporation, firm or individual, all rights granted by this agreement shall cease and be forfeited.

In witness whereof the corporation of the city of Toronto have caused their corporate seal to be hereunto affixed and the said Toronto Incandescent Electric Light Company have hereunto caused their corporate seal to be hereunto annexed the day and year first above written.

(Sd.) JOHN MCMILLAN, (S.)
President of the Council.

(Sd.) JOHN PATTERSON,
Assistant-Treasurer.

(Sd.) THE TORONTO INCANDESCENT ELECTRIC LIGHT COMPANY. (S.)

Per FREDERIC NICHOLLS,
Manager and Treasurer.

No. 61.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act respecting The Toronto Incandescent Electric Light Company (Limited).

First Reading, 19th April, 1893.

(*Reprinted as amended by Private Bills Committee.*)

(Private Bill.)

Mr. TAIT.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 62.] BILL. [1893.

An Act to incorporate the Village of Sturgeon Point.

Preamble.

WHEREAS the inhabitants of the village of Sturgeon Point have, by their petition, set forth that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. On and after the passing of this Act the inhabitants of the said village of Sturgeon Point comprised within the boundaries in the second section of this Act mentioned, shall be, and they are hereby constituted a corporation or body politic, separate and apart from the townships of Fenelon and Verulam in which the said village is now situated under the name of "The corporation of the village of Sturgeon point" and shall enjoy all such rights, powers and privileges as are now, or shall hereafter be, conferred upon incorporated villages in the Province of Ontario.

Boundaries.

2. The said village of Sturgeon Point shall comprise and consist of the following parcels and tracts of land, that is to say:—

(*a*) Those parts of lots numbers 10 and 11 in the 10th concession of the township of Fenelon, as laid down on the sub-division thereof and shown on the registered plan thereof No. 73 filed in the registry office in the county of Victoria.

(*b*) A strip of land 232 feet wide lying immediately to the east of lots numbers one to seventeen inclusive, as laid down on said plan, and being a part of lot number eleven in the 10th concession of Fenelon.

(*c*) The east parts of lots numbers 12 and 13 in the 10th concession of the said township of Fenelon fronting on Sturgeon lake and having a depth of 500 feet from the lake shore.

(*d*) Lot number 10 in the 11th concession of the township of Fenelon.

(*e*) The south parts of lot 11 in the 11th concession of the township of Fenelon fronting upon Sturgeon Lake and having a depth of 500 feet from the lake shore.

(*f*) The south part of lot 11 in the 1st concession of the township of Verulam in the county of Victoria, fronting on Sturgeon Lake and having a depth of 500 feet from the lake shore.

Inclusive of all the allowances for roads within or between the said lands.

First election.

3 On Tuesday the 20th June 1893 after the passing of this Act it shall be lawful for James M. Knowlson, Esquire, of the town of Lindsay, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village, at the hour of noon; and he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification at first election.

4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Clerks of Fenelon and Verulam to furnish copies of assessment roll.

5. The township clerks of the townships of Fenelon and Verulam shall furnish to the returning officer, upon demand, made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose.

First meeting of council.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application of general provisions of 55 V. c. 42.

7. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act 1892*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages, shall apply to the village of Sturgeon Point in the same man-

ner as they would have been applicable had the said village of Sturgeon Point been incorporated under the provisions of the said Acts.

Adjustment of debts on incorporation.

8. The said village of Sturgeon Point shall be liable to pay to the treasurer of each of the townships of Fenelon and Verulam in each and every year, such and the same proportion of any debt contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said village as shown by the collector's roll of the said several townships for the year one thousand eight hundred and ninety-two bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied, and the parts of the said village situated in the township of Fenelon and Verulam respectively, shall contribute towards the payment of the said debts in the same proportion as if this Act had not been passed, and for that purpose special rates shall be levied.

Village separated from Fenelon and Verulam.

9. From and after the passing of this Act the said village shall cease to form part of the townships of Fenelon and Verulam, and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of Act.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever, required by the clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.

Members of the township council not disqualified.

11. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said townships of Fenelon and Verulam or either of them, from holding office in said councils during the current year.

Date for holding election, 55 V. c. 42.

12. The election of the members of the council for the said village shall take place annually in the month of June instead of as provided by *The Consolidated Municipal Act, 1892*; the nomination to take place on the third Tuesday and the polling on the fourth Tuesday of the said month, but shall in all other respects be conducted as provided for by the said Act.

Village for forming part of East Riding of Victoria.

13. The said village is to form part of the electoral district of the east riding of the county of Victoria.

No. 62.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Village of Sturgeon Point.

First Reading, 1893.

(Private Bill.)

Mr. McKAY. (*Victoria.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63.] BILL. [1893.

An Act to enable the Ontario College of Pharmacy to admit Frederick Henry Clarke to practise as a Chemist and Druggist.

Preamble.

WHEREAS Frederick Henry Clarke, of the town of Port Arthur, in the Province of Ontario, hath, by his petition, set forth that from the year 1872 to the year 1879 he was a druggist's assistant, and from the year 1879 to 1881 he was carrying on business as a chemist and druggist on his own account at a place called Ignace in the district of Thunder Bay, and that by reason of the dispute regarding the western boundary of the Province of Ontario, it was for some time doubtful whether the regulations of the *Pharmacy Act* applied to persons residing at the said Ignace, and that from the year 1881 to the present time he has been a druggist's assistant in the town of Port Arthur where he has resided since the said year 1881, and has prayed that an Act may be passed to authorize the Ontario College of Pharmacy to admit him to practise as a chemist and druggist upon his paying the requisite fees in that behalf; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

College of Pharmacy to admit F. H. Clarke as a chemist.

1. The Ontario College of Pharmacy shall admit the said Frederick Henry Clarke to practice as a chemist and druggist in the Province of Ontario, without passing the prescribed examination, upon his paying the requisite fees in that behalf, any law or usuage to the contrary notwithstanding.

No. 63.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Ontario College of Pharmacy to admit Frederick Henry Clarke to practice as a Chemist and Druggist.

First Reading, 1893.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 64.] **BILL.** [1893.

An Act to confirm certain Municipal By-laws granting aid to the Cobourg, Northumberland and Pacific Railway Company.

WHEREAS doubts have arisen as to the validity of certain by-laws passed in aid of the Cobourg, Northumberland and Pacific Railway Company; and whereas petitions have been presented praying that an Act may be passed confirming and rendering valid the by-laws aiding the said railway company which have been passed by the municipality of the town of Cobourg, the municipality of the village of Campbellford, and the municipalities of the townships of Hamilton, Haldimand, Percy, Cramahe, Brighton, and Seymore, and it appearing that all of the said by-laws were duly submitted to the qualified voters of the said municipalities, or parts of the said municipalities, and received the assent of such number of voters as by law is required and were afterwards duly passed by the respective municipal councils; and whereas it is expedient to remove any doubts as to the validity of the said by-laws; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The municipal by-laws mentioned in the preamble of this Act, and more particularly described in schedule "A" to this Act, are hereby confirmed and declared to be legal and valid to all intents and purposes, notwithstanding any want of substance or form, either in the by-laws themselves, or in the time or manner of passing the same.

SCHEDULE "A."

By-law number 493 of the town of Cobourg for $30,000, finally passed on the 12th day of January, A.D. 1891.

By-law number 693 of the township of Haldimand, for $10,000, finally passed on the 8th day of January, A.D. 1891.

By-law number 712 of the township of Haldimand for $4,000, finally passed on the 13th day of October, A.D. 1892.

By-law number 716 of the township of Hamilton for $4,500, finally passed on the 6th day of November, A.D. 1892.

By-law number of the township of Percy for $25,000, finally passed on the 22nd day of December, A.D. 1890.

By-law number 193 of the village of Campbellford for $15,000, finally passed on the 22nd day of December, A.D. 1890.

By-law number of the township of Cramahe for $3,000, finally passed on the 1st day of November, A.D. 1892.

By-law number 328 of the township of Brighton for $2,000, finally passed on the 1st day of October, A.D. 1892.

By-law number 598 of the township of Seymore for $5,000, finally passed on the 3rd day of October, A.D. 1792.

No. 64.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to confirm certain Municipal By-laws granting aid to the Cobourg, Northumberland and Pacific Railway.

First Reading, 1893.

(Private Bill.)

Mr. FIELD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 64.] BILL. [1893.

An Act to confirm certain Municipal By-laws granting aid to the Cobourg, Northumberland and Pacific Railway Company.

WHEREAS doubts have arisen as to the validity of certain by-laws passed in aid of the Cobourg, Northumberland and Pacific Railway Company; and whereas petitions have been presented praying that an Act may be passed confirming and rendering valid the by-laws aiding the said railway company which have been passed by the municipality of the town of Cobourg, the municipality of the village of Campbellford, and the municipalities of the townships of Hamilton, Haldimand, Percy, Cramahe, Brighton, and Seymour, and it appearing that all of the said by-laws were duly submitted to the qualified voters of the said municipalities, or parts of the said municipalities, and received the assent of such number of voters as by law is required and were afterwards duly passed by the respective municipal councils; and whereas it is expedient to remove any doubts as to the validity of the said by-laws; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The municipal by-laws *above referred to* in the preamble of this Act, and more particularly described in schedule "A" to this Act, are hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures authorized to be issued by the said by-laws may, at the option of the several municipalities, be dated on the day of the issue thereof; and in the event of their being so dated they shall respectively fall due at the same periods from the issue thereof as they would have fallen due if dated at the respective dates. Provided such by-laws and the payment of principal and interest shall be provided for accordingly.

SCHEDULE "A."

By-law number 493 of the town of Cobourg for $30,000, finally passed on the 12th day of January, A.D. 1891.

By-law number 693 of the township of Haldimand, for $10,000, finally passed on the 8th day of January, A.D. 1891.

By-law number 712 of the township of Haldimand for $4,000, finally passed on the 13th day of October, A.D. 1892.

By-law number 716 of the township of Hamilton for $4,500, finally passed on the 7th day of November, A.D. 1892.

By-law number *550*, of the township of Percy for $25,000, finally passed on the 22nd day of December, A.D. 1890.

By-law number 193 of the village of Campbellford for $15,000, finally passed on the 22nd day of December, A.D. 1890.

By-law number *501*, of the township of Cramahe for $3,000, finally passed on the 1st day of November, A.D. 1892.

By-law number 328 of the township of Brighton for $2,000, finally passed on the 1st day of October, A.D. 1892.

By-law number 598 of the township of Seymour for $5,000, finally passed on the 3rd day of October, A.D. 1892.

No. 64.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to confirm certain Municipal By-laws granting aid to the Cobourg, Northumberland and Pacific Railway.

First Reading, 19th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. FIELD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 65.] BILL. [1893.

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Ottawa, Arnprior and Parry Sound Railway Company.

Preamble.

WHEREAS, the corporation of the city of Ottawa and the Ottawa, Arnprior and Parry Sound Railway Company have by their petition represented that the council of the corporation of the city of Ottawa, for the purposes of granting a bonus of $150,000 to the said company, passed a certain by-law on or about the 9th day of January, 1893, which is printed as schedule "A" hereto, after the same was duly submitted to and received the assent of more than one-third of all the ratepayers who were entitled to vote, as well as a majority of those voting on the said by-law, subject, however, to the terms of a certain agreement previously entered into between the said company and the said corporation, which is printed as schedule "B" hereto, providing amongst other matters that the said corporation would be at liberty to substitute for the debentures authorized to be issued under the said by-law other debentures to the same amount payable in forty years from the taking effect of the said by-law, and that the said company would accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and that the said company would join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures, and also for power to grant exemption from taxation of the workshops and round-house and the station or central depot of the company intended to be erected, and the lands on which the same may be built within the city of Ottawa, for a period not exceeding twenty years; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No 1344 amended and varied.

1. The said by-law number 1344 of the council of the corporation of the city of Ottawa, which is set out in schedule "A" to this Act, is amended and varied by substituting the word "forty" for the word "thirty" where it occurs in the third enacting clause thereof, and by substituting the figures "$8,325" for "$9,425," and "$1,575" for "$2,675" wherever the same respectively occur in the third recital and the fifth enacting clause ef said by-law, and such by-law as so amended and varied and the debentures to be issued in accordance therewith, are hereby declared to be legal, valid and binding

on the several parties thereto according to the terms thereof, and the clerk of the said corporation is required to register such by-laws as so amended and varied in the proper registry office within four weeks after the passing of this Act, but the omission to register the same shall not affect the validity of the said by-law or of the debentures to be issued thereunder.

Irregularities in form not to invalidate debentures.

2. No irregularity in the form of the said debentures to be issued under the said amended by-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Agreement with Ottawa, Arnprior and Parry Sound Railway Co. confirmed.

3. The agreement between the said corporation and the said railway company, which is printed as schedule "B" hereto, is hereby ratified and confirmed; and the said corporation and the said railway company are declared to have had power to enter into the said agreement, and the terms thereof are declared binding on them.

Power to exempt workshops of company from taxation.

4. In the event of the workshops of the said company being established and maintained within the limits of the city of Ottawa the said council may exempt from taxation the said workshops, round-house and central union passenger depot of the said company, if built and maintained in accordance with said agreement and by-law, and the lands on which the same may be so built, for a period not exceeding the term of ten years from the time the same may be established as aforesaid, and the said council may renew the said exemption for a further period of ten years on the like terms.

SCHEDULE "A."

By-Law No. 1344.

A By-law to provide for aiding and assisting the Ottawa, Arnprior and Parry Sound Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest.

Whereas the Ottawa, Arnprior and Parry Sound Railway Company have made application to the corporation of the city of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the city of Ottawa to Parry Sound in the District of Parry Sound, to the amount of the sum of one hundred and fifty thousand dollars, and whereas it is deemed expedient to grant the same;

And whereas for such purposes it is necessary for such corporation of the city of Ottawa to issue debentures to the said amount of one hundred and fifty thousand dollars in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon;

And whereas it will require the sum of $9,425 to be raised annually by a special rate on the whole rateable property of the city of Ottawa, for paying the said sum of one hundred and fifty thousand dollars, and interest on the debentures to be issued therefor, of which the sum of $6,750 will be for such interest, and the sum of $2,675 for a sinking fund from which to pay the said debentures.

And whereas the amount of the whole rateable property of the said city of Ottawa, according to the last revised assessment roll, is $18,236,910;

And whereas the amount of the existing debenture debt of the said corporation of the city of Ottawa is $2,876,106, exclusive of local improvement debts secured by special acts, rates, or assessments, and there is no part of the principal or interest thereof in arrears;

Therefore the council of the corporation of the city of Ottawa enacts and ordains as follows:

1. That it shall and may be lawful for the corporation of the said city of Ottawa to grant by way of bonus to the Ottawa, Arnprior and Parry Sound Railway Company towards the construction of their said railway which lies between the city of Ottawa and Parry Sound aforesaid the sum of one hundred and fifty thousand dollars in debentures of the said corporation.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the city of Ottawa to be made, executed and issued to the amount of one hundred and fifty thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the said mayor of the said corporation for the time being and countersigned by the treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon, and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the branch or agency of the Quebec bank, in the city of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four and one-half per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the 9th day of July and on the 9th day of January in each and every year during the currency of the said debentures at the said branch or agency of the Quebec bank at the city of Ottawa, and such debentures shall each have attached thereto coupons for each half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures so to be issued therefor as

aforesaid, the sum of $9,425 shall be raised, levied and collected in each year of and from the whole ratable property of the said city of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of $6,750 shall be for such interest and the sum of $2,675 for a sinking fund of the ultimate payment of the said debentures.

6. That such debentures shall be delivered by the said mayor for the time being of the said corporation to the manager for the time being of the Quebec bank at Ottawa, as the trustee appointed by the said corporation and the said railway company who shall not dispose of the same or convert the same into money except and until from time to time the company shall become entitled to the same or the proceeds thereof, under and by virtue of this by-law, and before any such debentures are so disposed of by the said trustee, he, the said trustee, shall detatch therefrom all the then matured interest coupons thereto attached, and shall return such matured coupons to the treasurer of the said corporation of the city of Ottawa to be by him duly accounted for.

7. That the said debentures or the proceeds thereof shall be delivered or paid by the said trustee to the said Ottawa, Arnprior and Parry Sound Railway Company at the times, and subject to the conditions following, that is to say:— Debentures or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway from the city of Ottawa to the town of Arnprior; debentures or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway to the village of Renfrew, in the county of Renfrew as aforesaid, and the residue of the said debentures or the proceeds thereof to the amount of $50,000, on the erection and completion by the said railway company of a central union passenger depot on the east bank of the Rideau canal and north of Theodore street, in the said city of Ottawa, provided such depot is erected and completed within three years from the passing of this by-law, which shall be open to all other railway companies having an entrance into the city of Ottawa on such terms as may be imposed on such companies by the railway committee of Her Majesty's Privy Council for Canada.

8. That in the event of the said company becoming disentitled to any portion of the said debentnres or the proceeds thereof, the said trustee shall return the some to the treasurer for the time being, of the city of Ottawa to be by him duly accounted for and cancelled.

9. That this by-law shall come into force on the 9th day of January, in the year 1893.

Given under the Corporate seal of the said corporation of the city of Ottawa, this 9th day of January, 1893. Certified.

(Sgd.) JOHN HENDERSON, City Clerk. (Sgd.) O. DUROCHER, Mayor.

SCHEDULE "B."

Memorandum of agreement entered into the 20th day of December, in the year of our Lord one thousand eight hundred and ninety-two.

Between the Ottawa, Arnprior and Parry Sound Railway Company, hereinafter called the Company,

Of the first part.

And the corporation of the city of Ottawa, hereinafter called the corporation,

Of the second part.

Whereas the council of the corporation of the city of Ottawa, have, subject to the agreement herein, introduced a by-law, and are about to submit the same to the ratepayers of the said city, for granting aid to the said company to the extent of one hundred and fifty thousand dollars and for the issuing debentures therefor to be handed over to the said company as follows:—Debentures, or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway from the city of Ottawa to the town of Arnprior; debentures or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway to the village of Renfrew and the residue of the said debentures or the proceeds thereof on the erection and completion by the said railway company of a central union passenger depot as hereinafter mentioned:—

And whereas it was agreed between the said company and the corporation that upon the introduction of the said by-law the said company should agree with the said corporation that in the event of such by-law being passed by the council of the said corporation after receiving the assent of the electors that the said company would erect and maintain a central union passenger depot for the use of and in connection with the said railway on the east bank of the Rideau canal and north of Theodore street, in the said city of Ottawa, such station to be erected within three years from the date of the final passing of such by-law, and that the said company would erect and maintain their workshops necessary for the said line of railway within the limits of the said city of Ottawa or within one mile therefrom, and that the said company would complete and have in operation their said railway from the city of Ottawa to Parry Sound within six years from the first day of January, 1893, and that the whole line of said railway would be operated as an independent and competing line and especially independent of and competitive with the Canadian Pacific Railway Company for a period of forty years, and in the event of the said line of railway not being completed and operated within the period of six years from the city of Ottawa to Parry Sound as aforesaid, or on the said railway ceasing to be operated as an independent and competing line

as aforesaid within the said period, that the sum of one hundred thousand dollars shall be paid by the said company to the said corporation.

Now this agreement witnesseth that in consideration of the passing of the said by law and the delivery of the said debentures, the said company for itself, its successors and assigns covenants and agrees with the said corporation and its successors as follows :—

1. The said company shall, within three years from the date of the passing of the said by-law, erect and maintain a central union passenger depot on the east bank of the Rideau canal and north of Theodore street in the city of Ottawa, together with the necessary approaches required therefor, which shall be open to all other railway companies having an entrance into the city of Ottawa, subject to such terms as may be imposed on such companies by the railway committee of Her Majesty's privy council of Canada.

2. That the said company shall and will, within three years from the final passing of the said by-law, commence the erection of and shall and will within six years from the final passing of the said by-law erect and thereafter maintain the workshops necessary for the said railway within the limits of the city of Ottawa or within one mile thereon.

3. That the said railway company shall and will complete and have in operation their said line of railway from the city of Ottawa to Parry Sound within six years from the first day of January 1893, and in default thereof or in default of the erection of the said shops as aforesaid, that the said company shall and will pay to the said corporation the sum of one hundred thousand dollars being a portion of the bonus granted in aid of the said railway.

4. The said railway shall be operated as an independent and competing line and especially independent of and competitive with the Canadian Pacific Railway Company for the period of forty years from the date of the passing of the said by-law and that during the said period the said company will not amalgamate with the Canadian Pacific Railway Company or with any railway company amalgamated with or controlled by the said the Canadian Pacific Railway Company and the said company covenants and agrees with the said corporation that if the said railway shall, during the said period cease to be operated as an independent and competitive line of railway or shall amalgamate with the Canadian Pacific Railway Company or any railway company amalgamated with or controlled by the Canadian Pacific Railway Company, then the said company shall pay to the said corporation the said sum of one hundred thousand dollars being a portion of the bonus granted in aid of the said railway.

5. That the said corporation will be at liberty to substitute for the debentures mentioned in the said by-law, other debentures to the same amount, payable in forty years from the date

of the taking effect of the said by-law and the said company will accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law and the said company will join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures and also for powers to grant exemption from taxation of the workshops, round-house and stations and lands on which the same may be built.

6. The corporation agrees with the said company that in the event of the said workshops being established within the limits of the city of Ottawa, the council of the said corporation will exempt from taxation such workshops, round-house and stations and the lands on which the same may be built for a period of ten years, and shall recommend a like exemption for a further period of ten years thereafter so for as the said council can legally do so.

7. And the said corporation also further agrees with the said company to join in any petition or application that the said company may make to the government of the Dominion of Canada, for a grant to the said company of a right of way along the east bank of the Rideau canal, and for such other grounds and premises as may be necessary and required by the said company for the election thereon of a depot with the necessary connections and approaches for the use of the said company, and all other railways running into the said city, and for the due and proper attainment of this right and privilege the said corporation agrees to assist in obtaining the said right of way and grounds and after the said right of way and grounds for the said station have been procured the said company agrees forthwith to commence the said station with the necessary approaches and connections as aforesaid.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of their proper officers in that behalf and duly certified.

Signed, sealed and delivered in the presence of
(Sd) A. W. Fleck,
Secretary.
(Sd) John Henderson,
City Clerk.

The Ottawa, Arnprior & Parry Sound R'y. Coy.
(Sd) by J. R. Booth,
President.
(Sd) O. Durocher,
Mayor.

No. 65.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Ottawa, Arnprior and Parry Sound Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. BRONSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 65.] BILL. [1893

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Ottawa, Arnprior and Parry Sound Railway Company.

Preamble.

WHEREAS, the corporation of the city of Ottawa and the Ottawa, Arnprior and Parry Sound Railway Company have by their petition represented that the council of the corporation of the city of Ottawa, for the purposes of granting a bonus of $150,000 to the said company, passed a certain by-law on or about the 9th day of January, 1893, which is printed as schedule "A" hereto after the same was duly submitted to and received the assent of more than one-third of all the ratepayers who were entitled to vote, as well as a majority of those voting on the said by-law, subject, however, to the terms of a certain agreement previously entered into between the said company and the said corporation, which is printed as schedule "B" hereto, providing amongst other matters that the said corporation would be at liberty to substitute for the debentures authorized to be issued under the said by-law other debentures to the same amount payable in forty years from the taking effect of the said by-law, and that the said company would accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and that the said company would join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures, and also for power to grant exemption from taxation of the workshops and round-house and the stations or central depot of the company intended to be erected, and the lands on which the same may be built within the city of Ottawa, for a period not exceeding twenty years; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No 1344 amended and varied.

1. The said by-law number 1344 of the council of the corporation of the city of Ottawa, which is set out in schedule "A" to this Act, is amended and varied by substituting the word "forty" for the word "thirty" where it occurs in the third enacting clause thereof, and by substituting the figures "$8,325" for "$9,425," and "$1,575" for "$2,675" wherever the same respectively occur in the third recital and the fifth enacting clause ef said by-law, and such by-law as so amended and varied and the debentures to be issued in accordance therewith, are hereby declared to be legal, valid and binding

on the several parties thereto according to the terms thereof, and the clerk of the said corporation is required to register such by-laws as so amended and varied in the proper registry office within four weeks after the passing of this Act, but the omission to register the same shall not affect the validity of the said by-law or of the debentures to be issued thereunder.

Irregularities in form not to invalidate debentures.

2. No irregularity in the form of the said debentures to be issued under the said amended by-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Agreement with Ottawa, Arnprior and Parry Sound Railway Co. confirmed.

3. The agreement between the said corporation and the said railway company, which is printed as schedule "B" hereto, is hereby ratified and confirmed; and the terms thereof are declared binding on them *respectively*.

Power to exempt workshops of company from taxation.

4. In the event of the workshops of the said company being established and maintained within the limits of the city of Ottawa the said council may exempt from taxation, *except as to school taxes*, the said workshops, round-house and *stations or* central union passenger depot of the said company, if built and maintained in accordance with said agreement and by-law, and the lands on which the same may be so built, for a period not exceeding the term of ten years from the time the same may be established as aforesaid, and the said council may renew the said exemption for a further period of ten years on the like terms.

SCHEDULE "A."

By-Law No. 1344.

A By-law to provide for aiding and assisting the Ottawa, Arnprior and Parry Sound Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest.

Whereas the Ottawa, Arnprior and Parry Sound Railway Company have made application to the corporation of the city of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the city of Ottawa to Parry Sound in the District of Parry Sound, to the amount of the sum of one hundred and fifty thousand dollars, and whereas it is deemed expedient to grant the same;

And whereas for such purposes it is necessary for such corporation of the city of Ottawa to issue debentures to the said amount of one hundred and fifty thousand dollars in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon ;

And whereas it will require the sum of $9,425 to be raised annually by a special rate on the whole rateable property of the city of Ottawa, for paying the said sum of one hundred and fifty thousand dollars, and interest on the debentures to be issued therefor, of which the sum of $6,750 will be for such interest, and the sum of $2,675 for a sinking fund from which to pay the said debentures.

And whereas the amount of the whole rateable property of the said city of Ottawa, according to the last revised assessment roll, is $18,236,910 ;

And whereas the amount of the existing debenture debt of the said corporation of the city of Ottawa is $2,876,106, exclusive of local improvement debts secured by special acts, rates, or assessments, and there is no part of the principal or interest thereof in arrears ;

Therefore the council of the corporation of the city of Ottawa enacts and ordains as follows :

1. That it shall and may be lawful for the corporation of the said city of Ottawa to grant by way of bonus to the Ottawa, Arnprior and Parry Sound Railway Company towards the construction of their said railway which lies between the city of Ottawa and Parry Sound aforesaid the sum of one hundred and fifty thousand dollars in debentures of the said corporation.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the city of Ottawa to be made, executed and issued to the amount of one hundred and fifty thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the said mayor of the said corporation for the time being and countersigned by the treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon, and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the branch or agency of the Quebec bank, in the city of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four and one-half per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the 9th day of July and on the 9th day of January in each and every year during the currency of the said debentures at the said branch or agency of the Quebec bank at the city of Ottawa, and such debentures shall each have attached thereto coupons for each half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures so to be issued therefor as

aforesaid, the sum of $9,425 shall be raised, levied and collected in each year of and from the whole ratable property of the said city of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of $6,750 shall be for such interest and the sum of $2,675 for a sinking fund of the ultimate payment of the said debentures.

6. That such debentures shall be delivered by the said mayor for the time being of the said corporation to the manager for the time being of the Quebec bank at Ottawa, as the trustee appointed by the said corporation and the said railway company who shall not dispose of the same or convert the same into money except and until from time to time the company shall become entitled to the same or the proceeds thereof, under and by virtue of this by-law, and before any such debentures are so disposed of by the said trustee, he, the said trustee, shall detatch therefrom all the then matured interest coupons thereto attached, and shall return such matured coupons to the treasurer of the said corporation of the city of Ottawa to be by him duly accounted for.

7. That the said debentures or the proceeds thereof shall be delivered or paid by the said trustee to the said Ottawa, Arnprior and Parry Sound Railway Company at the times, and subject to the conditions following, that is to say:— Debentures or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway from the city of Ottawa to the town of Arnprior; debentures or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway to the village of Renfrew, in the county of Renfrew as aforesaid, and the residue of the said debentures or the proceeds thereof to the amount of $50,000, on the erection and completion by the said railway company of a central union passenger depot on the east bank of the Rideau canal and north of Theodore street, in the said city of Ottawa, provided such depot is erected and completed within three years from the passing of this by-law, which shall be open to all other railway companies having an entrance into the city of Ottawa on such terms as may be imposed on such companies by the railway committee of Her Majesty's Privy Council for Canada.

8. That in the event of the said company becoming disentitled to any portion of the said debentnres or the proceeds thereof, the said trustee shall return the some to the treasurer for the time being, of the city of Ottawa to be by him duly accounted for and cancelled.

9. That this by-law shall come into force on the 9th day of January, in the year 1893.

Given under the Corporate seal of the said corporation of the city of Ottawa, this 9th day of January, 1893. Certified.

(Sgd.) JOHN HENDERSON, City Clerk. (Sgd.) O. DUROCHER, Mayor.

SCHEDULE "B."

Memorandum of agreement entered into the 20th day of December, in the year of our Lord one thousand eight hundred and ninety-two.

Between the Ottawa, Arnprior and Parry Sound Railway Company, hereinafter called the Company,

Of the first part.

And the corporation of the city of Ottawa, hereinafter. called the corporation,

Of the second part.

Whereas the council of the corporation of the city of Ottawa, have, subject to the agreement herein, introduced a by-law, and are about to submit the same to the ratepayers of the said city, for granting aid to the said company to the extent of one hundred and fifty thousand dollars and for the issuing debentures therefor to be handed over to the said company as follows:—Debentures, or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway from the city of Ottawa to the town of Arnprior; debentures or the proceeds thereof to the amount of fifty thousand dollars upon the completion of the said line of railway to the village of Renfrew and the residue of the said debentures or the proceeds thereof on the erection and completion by the said railway company of a central union passenger depot as hereinafter mentioned:—

And whereas it was agreed between the said company and the corporation that upon the introduction of the said by-law the said company should agree with the said corporation that in the event of such by-law being passed by the council of the said corporation after receiving the assent of the electors that the said company would erect and maintain a central union passenger depot for the use of and in connection with the said railway on the east bank of the Rideau canal and north of Theodore street, in the said city of Ottawa, such station to be erected within three years from the date of the final passing of such by-law, and that the said company would erect and maintain their workshops necessary for the said line of railway within the limits of the said city of Ottawa or within one mile therefrom, and that the said company would complete and have in operation their said railway from the city of Ottawa to Parry Sound within six years from the first day of January, 1893, and that the whole line of said railway would be operated as an independent and competing line and especially independent of and competitive with the Canadian Pacific Railway Company for a period of forty years, and in the event of the said line of railway not being completed and operated within the period of six years from the city of Ottawa to Parry Sound as aforesaid, or on the said railway ceasing to be operated as an independent and competing line

as aforesaid within the said period, that the sum of one hundred thousand dollars shall be paid by the said company to the said corporation.

Now this agreement witnesseth that in consideration of the passing of the said by law and the delivery of the said debentures, the said company for itself, its successors and assigns covenants and agrees with the said corporation and its successors as follows:—

1. The said company shall, within three years from the date of the passing of the said by-law, erect and maintain a central union passenger depot on the east bank of the Rideau canal and north of Theodore street in the city of Ottawa, together with the necessary approaches required therefor, which shall be open to all other railway companies having an entrance into the city of Ottawa, subject to such terms as may be imposed on such companies by the railway committee of Her Majesty's privy council of Canada.

2. That the said company shall and will, within three years from the final passing of the said by-law, commence the erection of and shall and will within six years from the final passing of the said by-law erect and thereafter maintain the workshops necessary for the said railway within the limits of the city of Ottawa or within one mile thereon.

3. That the said railway company shall and will complete and have in operation their said line of railway from the city of Ottawa to Parry Sound within six years from the first day of January 1893, and in default thereof or in default of the erection of the said shops as aforesaid, that the said company shall and will pay to the said corporation the sum of one hundred thousand dollars being a portion of the bonus granted in aid of the said railway.

4. The said railway shall be operated as an independent and competing line and especially independent of and competitive with the Canadian Pacific Railway Company for the period of forty years from the date of the passing of the said by-law and that during the said period the said company will not amalgamate with the Canadian Pacific Railway Company or with any railway company amalgamated with or controlled by the said the Canadian Pacific Railway Company and the said company covenants and agrees with the said corporation that if the said railway shall, during the said period cease to be operated as an independent and competitive line of railway or shall amalgamate with the Canadian Pacific Railway Company or any railway company amalgamated with or controlled by the Canadian Pacific Railway Company, then the said company shall pay to the said corporation the said sum of one hundred thousand dollars being a portion of the bonus granted in aid of the said railway.

5. That the said corporation will be at liberty to substitute for the debentures mentioned in the said by-law, other debentures to the same amount, payable in forty years from the date

of the taking effect of the said by-law and the said company will accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law and the said company will join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures and also for powers to grant exemption from taxation of the workshops, round-house and stations and lands on which the same may be built.

6. The corporation agrees with the said company that in the event of the said workshops being established within the limits of the city of Ottawa, the council of the said corporation will exempt from taxation such workshops, round-house and stations and the lands on which the same may be built for a period of ten years, and shall recommend a like exemption for a further period of ten years thereafter so for as the said council can legally do so.

7. And the said corporation also further agrees with the said company to join in any petition or application that the said company may make to the government of the Dominion of Canada, for a grant to the said company of a right of way along the east bank of the Rideau canal, and for such other grounds and premises as may be necessary and required by the said company for the election thereon of a depot with the necessary connections and approaches for the use of the said company, and all other railways running into the said city, and for the due and proper attainment of this right and privilege the said corporation agrees to assist in obtaining the said right of way and grounds and after the said right of way and grounds for the said station have been procured the said company agrees forthwith to commence the said station with the necessary approaches and connections as aforesaid.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of their proper officers in that behalf and duly certified.

Signed, sealed and delivered in the presence of
(Sd) A. W. Fleck,
Secretary.
(Sd) John Henderson,
City Clerk.

The Ottawa, Arnprior & Parry Sound R'y. Coy.
(Sd) by J. R. Booth,
President.
(Sd) O. Durocher,
Mayor.

No. 65.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Ottawa, Arnprior and Parry Sound Railway Company.

First Reading, 19th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. BRONSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 66.] BILL. [1893.

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS, the corporation of the city of Ottawa and the Kingston, Smith's Falls and Ottawa Railway Company, have by their petition represented that the council of the corporation of the city of Ottawa for the purpose of granting a bonus of $50,000 to the said company, passed a certain by-law on or about the 9th day of January, 1893, which is printed as schedule "A" hereto, after the same was duly submitted to and received the assent of more than one-third of all the ratepayers who were entitled to vote as well as a majority of those voting on the said by-law, subject however to the terms of a certain agreement previously entered into between the said company and the said corporation which is printed as schedule "B" hereto, providing amongst other matters that the said corporation would be at liberty to substitute for the debentures authorized to be issued under the said by-law other debentures to the same amount, payable in forty years from the taking effect of the said by-law, and that the said company would accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and that the said company would join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures; and also for power to grant exemption from taxation of the round-house and repair shops of the company, intended to be erected in the city of Ottawa, for a period not exceeding twenty years; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

By-law 1,345 amended and varied.

1. The said by-law number 1345 of the council of the corporation of the city of Ottawa, which is printed as schedule "A" hereto, is hereby amended and varied by substituting the word "forty" for the word "thirty" where it occurs in the third enacting clause thereof, and by substituting the figures "$2,775" for "$3,145," and "$525" for "$895" wherever the same respectively occur in the third recital and the fifth enacting clause of said by-law; and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the several parties thereto according to the terms

thereof; and the clerk of the said corporation is required to register such by-laws as so amended and varied in the proper registry office within four weeks after the passing of this Act; but the omission to register the same shall not affect the validity of the said by-law or of the debentures to be issued thereunder.

Irregularities in form not to invalidate debentures.

2. No irregularity in the form of the said debentures to be issued under the said amended by-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Agreement with Kingston, Smith's Falls and Ottawa R. W. Co. confirmed.

3. The agreement between the said corporation and the said railway company, which is printed as schedule "B" hereto, is hereby ratified and confirmed; and the said corporation and the said railway company are declared to have had power to enter into the said agreement, and the terms thereof are declared binding on them.

Power to exempt certain works of railway from taxation.

4. In the event of the round-house and repair shops of the said company being established and maintained within the limits of the city of Ottawa, the said council may exempt from taxation the said round-house and repair shops of the said company if built and maintained in accordance with said agreement and by-laws, for any period not exceeding the term of ten years from the time the same may be established as aforesaid, and the said council may renew the said exemption for a further period of ten years on the like terms.

SCHEDULE "A."

By-law No. 1345.

By-law to provide for aiding and assisting the Kingston, Smith's Falls and Ottawa Railway Company by granting to the said company the sum of $50,000 by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest.

Whereas, the Kingston, Smith's Falls and Ottawa Railway Company have made application to the corporation of the city of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the city of Ottawa to the city of Kingston to the amount of the sum of $50,000, and whereas, it is deemed expedient to grant the same; and whereas, for such purposes it is necessary for such corporation of the city of Ottawa to issue debentures to the said amount

of $50,000 in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon; and whereas, it will require the sum of $3,145 to be raised annually by a special rate on the whole rateable property of the city of Ottawa for paying the said sum of $50,000 and interest on the debentures to be issued therefor, of which the sum of $2,250 will be for such interest, and the sum of $895 for a sinking fund from which to pay the said debentures; and whereas, the amount of the whole rateable property of the said city of Ottawa, according to the last revised assessment roll, is $18,236,910; and whereas, the amount of the existing debenture debt of the said corporation of the city of Ottawa is $2,876,106 exclusive of local improvement debts secured by special rates, acts or assessments and there is no part of the principle or interest thereof in arrears.

Therefore, the council of the corporation of the city of Ottawa, enacts and ordains as follows:—

1. That it shall and may be lawful for the corporation of the city of Ottawa to grant by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company towards the construction of their said railway which lies between the city of Ottawa and the city of Kingston aforesaid, the sum of $50,000 in debentures of the said corporation.

2. That for the purposes aforesaid, it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the city of Ottawa to be made, executed and issued to the amount of $50,000 in sums of not less than $100 each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law, at the branch or agency of the Quebec bank in the city of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four and one-half per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the 9th day of July, and on the 9th day of January in each and every year during the currency of the said debentures at the said branch or agency of the Quebec bank, at the city of Ottawa, and such debentures shall each have attached thereto coupons for each half-yearly interest.

5. For the purpose of paying the said debt hereby created, and the interest on the debentures so to be issued therefor as aforesaid, the sum of $3,145 shall be raised, levied and collected in each year of and from the whole rateable property of the city of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of $2,250 shall be for such interest, and the sum of $895 for a sinking fund for the ultimate payment of the said debentures.

6. That such debentures shall be delivered by the said mayor for the time being of the said corporation, to the manager for the time being of the Quebec bank, at Ottawa, as the trustee appointed by the said corporation and the said railway company who shall not dispose of the same, or convert the same into money, except and until from time to time the company shall become entitled to the same or the proceeds thereof under and by virtue of this by-law and before any such debentures are so disposed of by the said trustee, he, the said trustee, shall detach therefrom all the then matured interest coupons attached thereto and shall return such matured coupons to the treasurer of the said corporation of the city of Ottawa to be by him duly accounted for.

7. That the said debentures or the proceeds thereof shall be delivered or paid by the said trustee to the said company at the times and subject to the conditions following, that is to say; debentures, or the proceeds thereof, to the amount of $50,000 upon the completion of the said line of railway and its operation by the said company from the city of Ottawa to the city of Kingston within a period of five years from the date of this by-law.

8. That in the event of the said company becoming disentitled to the said debentures, or the proceeds thereof, the said trustees shall return the same to the treasurer for the time being of the city of Ottawa, to be by him duly accounted for and cancelled.

9. That this by-law shall come into force on the 9th day of January, in the year 1893.

Given under the corporate seal of the said corporation of the city of Ottawa, this 9th day of January, 1893.

(Sgd.) O. DUROCHER,
Mayor.

Certified (Sgd.) JOHN HENDERSON,
City Clerk.

SCHEDULE "B."

Memorandum of agreement entered into this 15th day of December, A.D. 1892, between the Kingston, Smith's Falls and Ottawa Railway Company, hereinafter called the "Company," of the first part, and the corporation of the city of Ottawa, hereinafter called the "Corporation," of the second part.

Whereas, the council of the corporation of the city of Ottawa have, subject to the agreement herein, introduced a by-law and are about to submit the same to the ratepayers of the said city for granting aid to the said company to the extent of $50,000, and for the issuing of debentures therefor to be handed over to the said company on completion of the said line of railway from the city of Kingston to the city of Ottawa, within five years from 1st day of January, 1893; and whereas it was agreed between

the said company and the said corporation that upon the introduction of the said by-law, the said company should agree with the said corporation that in the event of such by-law being passed by the council of the said corporation after receiving the assent of the electors, that the said company would complete and have in operation their said railway from the city of Kingston to the city of Ottawa within five years from the 1st day of January, 1893, and that the whole line of the said railway would be operated as an independent and competing line, and especially independent of and competitive with the Canadian Pacific Railway Company, for the period of forty years, and that in the event of the said line of railway not being completed and operated within the said period of five years from the city of Ottawa to the city of Kingston as aforesaid, or on the said railway ceasing to be operated as an independent and competing line as aforesaid within the said period, that the sum of $50,000 shall be paid by the said company to the said corporation.

Now this agreement witnesseth, that in consideration of the passing of the said by-law, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows :—

1. That the said railway company shall and will complete their said line of railway and have the same in operation from the city of Ottawa to the city of Kingston within five years from the 1st day of January, 1893, and in default thereof that the said by-law shall become null and void and of no effect whatsoever.

2. That the said railway shall be operated as an independent and competing line, and especially independent of and competitive with the Canadian Pacific Railway Company for the period of forty years from the date of the passing of the said by-law, and that during the said period the said company will not amalgamate with the Canadian Pacific Railway Company, or with any railway company amalgamated with or controlled by the said the Canadian Pacific Railway Company, and the said company covenants and agrees with the said corporation that if the said railway shall, during the said period cease to be operated as an independent and competitive line of railway, or shall amalgamate with the Canadian Pacific Railway Company or any railway company amalgamated with or controlled by the Canadian Pacific Railway Company, then the said company shall pay to the said corporation the said sum of $50,000, being the amount of the bonus granted in aid of the said railway.

3. That the said corporation will be at liberty to substitute for the debentures mentioned in the said by-law other debentures to the same amount, payable in forty years from the date of the taking effect of the said by-law, and the said company will accept such other debentures, or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and the said company will join with the said corporation

in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures and also for power to grant exemption from taxation of the round-house and repair shops of the said company.

4. That the said company shall and will, within five years from the final passing of this by-law, erect and thereafter maintain for their said railway the round-house and repair shops in connection therewith within the limits of the city of Ottawa or within one mile thereof. And in default of the erection of the said round-house and workshops within the said period, the said company shall and will pay to the said corporation the sum of $50,000, being the amount of the bonus granted in aid of the said railway, if the said debentures or the proceeds thereof shall have been delivered to the said company, and if the said debentures or the proceeds thereof shall not have been at that time delivered to the said company, then, on such default happening, the said company will forfeit all claim to the said debentures, or the proceeds thereof, pursuant to the said by-law or otherwise.

5. The said corporation agrees with the said company that, in the event of the said round-house and repair shops being established within the limits of the city of Ottawa, the council of the said corporation will exempt the same from taxation for a period of ten years, provided they have the power to do so legally and shall recommend a like exemption for a further period of ten years thereafter.

In witness whereof, the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of the proper officers in that behalf and duly certified.

Signed, sealed and delivered in the presence of
(Sd.) A. T. DRUMMOND, witness to F. R. REDPATH'S signature.
(Sd.) W. THOMPSON, witness to J. E. CLARK'S signature.

(Sd.) O. DUROCHER,
Mayor.

(Sd.) F. R. REDPATH,
President.

(Sd.) J. E. CLARK,
Secy. K. S. F. & O. Ry. Co.

No. 66.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the City of Ottawa to issue debentures in aid of the Kingston, Smith's Falls and Ottawa Railway Company.

First Reading, 1893.

(Private Bill.)

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 66.] BILL. [1893.

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS, the corporation of the city of Ottawa and the Kingston, Smith's Falls and Ottawa Railway Company, have by their petition represented that the council of the corporation of the city of Ottawa for the purpose of granting a bonus of $50,000 to the said company, passed a certain by-law on or about the 9th day of January, 1893, which is printed as schedule "A" hereto, after the same was duly submitted to and received the assent of more than one-third of all the ratepayers who were entitled to vote as well as a majority of those voting on the said by-law, subject however to the terms of a certain agreement previously entered into between the said company and the said corporation which is printed as schedule "B" hereto, providing amongst other matters that the said corporation would be at liberty to substitute for the debentures authorized to be issued under the said by-law other debentures to the same amount, payable in forty years from the taking effect of the said by-law, and that the said company would accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and that the said company would join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures; and also for power to grant exemption from taxation of the round-house and repair shops of the company, intended to be erected in the city of Ottawa, for a period not exceeding twenty years; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

By-law 1,345 amended and varied.

1. The said by-law number 1345 of the council of the corporation of the city of Ottawa, which is printed as schedule "A" hereto, is hereby amended and varied by substituting the word "forty" for the word "thirty" where it occurs in the third enacting clause thereof, and by substituting the figures "$2,775" for "$3,145," and "$525" for "$895" wherever the same respectively occur in the third recital and the fifth enacting clause of said by-law; and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the several parties thereto according to the terms

thereof; and the clerk of the said corporation is required to register such by-laws as so amended and varied in the proper registry office within four weeks after the passing of this Act; but the omission to register the same shall not affect the validity of the said by-law or of the debentures to be issued thereunder.

Irregularities in form not to invalidate debentures.

2. No irregularity in the form of the said debentures to be issued under the said amended by-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Agreement with Kingston, Smith's Falls and Ottawa R. W. Co. confirmed.

3. The agreement between the said corporation and the said railway company, which is printed as schedule "B" hereto, is hereby ratified and confirmed; and the terms thereof are *declared* binding on them *respectively*.

Power to exempt certain works of railway from taxation.

4. In the event of the round-house and repair shops of the said company being established and maintained within the limits of the city of Ottawa, the said council may exempt from taxation *except as to school taxes*, the said round-house and repair shops of the said company if built and maintained in accordance with said agreement and by-laws, for any period not exceeding the term of ten years from the time the same may be established as aforesaid, and the said council may renew the said exemption for a further period of ten years on the like terms.

SCHEDULE "A."

By-law No. 1345.

By-law to provide for aiding and assisting the Kingston, Smith's Falls and Ottawa Railway Company by granting to the said company the sum of $50,000 by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest.

Whereas, the Kingston, Smith's Falls and Ottawa Railway Company have made application to the corporation of the city of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the city of Ottawa to the city of Kingston to the amount of the sum of $50,000, and whereas, it is deemed expedient to grant the same; and whereas, for such purposes it is necessary for such corporation of the city of Ottawa to issue debentures to the said amount

of $50,000 in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon ; and whereas, it will require the sum of $3,145 to be raised annually by a special rate on the whole rateable property of the city of Ottawa for paying the said sum of $50,000 and interest on the debentures to be issued therefor, of which the sum of $2,250 will be for such interest, and the sum of $895 for a sinking fund from which to pay the said debentures ; and whereas, the amount of the whole rateable property of the said city of Ottawa, according to the last revised assessment roll, is $18,236,910 ; and whereas, the amount of the existing debenture debt of the said corporation of the city of Ottawa is $2,876,106 exclusive of local improvement debts secured by special rates, acts or assessments and there is no part of the principle or interest thereof in arrears.

Therefore, the council of the corporation of the city of Ottawa, enacts and ordains as follows :—

1. That it shall and may be lawful for the corporation of the city of Ottawa to grant by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company towards the construction of their said railway which lies between the city of Ottawa and the city of Kingston aforesaid, the sum of $50,000 in debentures of the said corporation.

2. That for the purposes aforesaid, it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the city of Ottawa to be made, executed and issued to the amount of $50,000 in sums of not less than $100 each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law, at the branch or agency of the Quebec bank in the city of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four and one-half per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the 9th day of July, and on the 9th day of January in each and every year during the currency of the said debentures at the said branch or agency of the Quebec bank, at the city of Ottawa, and such debentures shall each have attached thereto coupons for each half-yearly interest.

5. For the purpose of paying the said debt hereby created, and the interest on the debentures so to be issued therefor as aforesaid, the sum of $3,145 shall be raised, levied and collected in each year of and from the whole rateable property of the city of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of $2,250 shall be for such interest, and the sum of $895 for a sinking fund for the ultimate payment of the said debentures.

6. That such debentures shall be delivered by the said mayor for the time being of the said corporation, to the manager for the time being of the Quebec bank, at Ottawa, as the trustee appointed by the said corporation and the said railway company who shall not dispose of the same, or convert the same into money, except and until from time to time the company shall become entitled to the same or the proceeds thereof under and by virtue of this by-law and before any such debentures are so disposed of by the said trustee, he, the said trustee, shall detach therefrom all the then matured interest coupons attached thereto and shall return such matured coupons to the treasurer of the said corporation of the city of Ottawa to be by him duly accounted for.

7. That the said debentures or the proceeds thereof shall be delivered or paid by the said trustee to the said company at the times and subject to the conditions following, that is to say; debentures, or the proceeds thereof, to the amountof $50,000 upon the completion of the said line of railway and its operation by the said company from the city of Ottawa to the city of Kingston within a period of five years from the date of this by-law.

8. That in the eventof the said company becoming disentitled to the said debentures, or the proceeds thereof, the said trustees shall return the same to the treasurer for the time being of the city of Ottawa, to be by him duly accounted for and cancelled.

9. That this by-law shall come into force on the 9th day of January, in the year 1893.

Given under the corporate seal of the said corporation of the city of Ottawa, this 9th day ot January, 1893.

(Sgd.) O. DUROCHER,
Mayor.

Certified (Sgd.) JOHN HENDERSON,
City Clerk.

SCHEDULE "B."

Memorandum of agreement entered into this 15th day of December, A.D. 1892, between the Kingston, Smith's Falls and Ottawa Railway Company, hereinafter called the "Company," of the first part, and the corporation of the city of Ottawa, hereinafter called the "Corporation," of the second part.

Whereas, the council of the corporation of the city of Ottawa have, subject to the agreement herein, introduced a by-law and are about to submit the same to the ratepayers of the said city for granting aid to the said company to the extent of $50,000, and for the issuing of debentures therefor to be handed over to the said company on completion of the said line of railway from the city of Kingston to the city of Ottawa, within five years from 1st day of January, 1893; and whereas it was agreed between

the said company and the said corporation that upon the introduction of the said by-law, the said company should agree with the said corporation that in the event of such by-law being passed by the council of the said corporation after receiving the assent of the electors, that the said company would complete and have in operation their said railway from the city of Kingston to the city of Ottawa within five years from the 1st day of January, 1893, and that the whole line of the said railway would be operated as an independent and competing line, and especially independent of and competitive with the Canadian Pacific Railway Company, for the period of forty years, and that in the event of the said line of railway not being completed and operated within the said period of five years from the city of Ottawa to the city of Kingston as aforesaid, or on the said railway ceasing to be operated as an independent and competing line as aforesaid within the said period, that the sum of $50,000 shall be paid by the said company to the said corporation.

Now this agreement witnesseth, that in consideration of the passing of the said by-law, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows :—

1. That the said railway company shall and will complete their said line of railway and have the same in operation from the city of Ottawa to the city of Kingston within five years from the 1st day of January, 1893, and in default thereof that the said by-law shall become null and void and of no effect whatsoever.

2. That the said railway shall be operated as an independent and competing line, and especially independent of and competitive with the Canadian Pacific Railway Company for the period of forty years from the date of the passing of the said by-law, and that during the said period the said company will not amalgamate with the Canadian Pacific Railway Company, or with any railway company amalgamated with or controlled by the said the Canadian Pacific Railway Company, and the said company covenants and agrees with the said corporation that if the said railway shall, during the said period cease to be operated as an independent and competitive line of railway, or shall amalgamate with the Canadian Pacific Railway Company or any railway company amalgamated with or controlled by the Canadian Pacific Railway Company, then the said company shall pay to the said corporation the said sum of $50,000, being the amount of the bonus granted in aid of the said railway.

3. That the said corporation will be at liberty to substitute for the debentures mentioned in the said by-law other debentures to the same amount, payable in forty years from the date of the taking effect of the said by-law, and the said company will accept such other debentures, or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and the said company will join with the said corporation

in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures and also for power to grant exemption from taxation of the round-house and repair shops of the said company.

4. That the said company shall and will, within five years from the final passing of this by-law, erect and thereafter maintain for their said railway the round-house and repair shops in connection therewith within the limits of the city of Ottawa or within one mile thereof. And in default of the erection of the said round-house and workshops within the said period, the said company shall and will pay to the said corporation the sum of $50,000, being the amount of the bonus granted in aid of the said railway, if the said debentures or the proceeds thereof shall have been delivered to the said company, and if the said debentures or the proceeds thereof shall not have been at that time delivered to the said company, then, on such default happening, the said company will forfeit all claim to the said debentures, or the proceeds thereof, pursuant to the said by-law or otherwise.

5. The said corporation agrees with the said company that, in the event of the said round-house and repair shops being established within the limits of the city of Ottawa, the council of the said corporation will exempt the same from taxation for a period of ten years, provided they have the power to do so legally and shall recommend a like exemption for a further period of ten years thereafter.

In witness whereof, the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of the proper officers in that behalf and duly certified.

Signed, sealed and delivered in the presence of
(Sd.) A. T. DRUMMOND, witness to F. R. REDPATH'S signature.
(Sd.) W. THOMPSON, witness to J. E. CLARK'S signature.

(Sd.) O. DUROCHER,
Mayor.

(Sd.) F. R. REDPATH,
President.

(Sd.) J. E. CLARK,
Secy. K. S. F. & O. Ry. Co.

No. 66.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the City of Ottawa to issue debentures in aid of the Kingston, Smith's Falls and Ottawa Railway Company.

First Reading, 19th April, 1893.

(*Reprinted as amended by the Private Bills Committee.*)

(Private Bill.)

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 66.] **BILL.** [1893.

An Act to authorize the City of Ottawa to issue certain debentures in aid of the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS, the corporation of the city of Ottawa and the Kingston, Smith's Falls and Ottawa Railway Company, have by their petition represented that the council of the corporation of the city of Ottawa for the purpose of granting a bonus of $50,000 to the said company, passed a certain by-law on or about the 9th day of January, 1893, which is printed as schedule "A" hereto, after the same was duly submitted to and received the assent of more than one-third of all the ratepayers who were entitled to vote as well as a majority of those voting on the said by-law, subject however to the terms of a certain agreement previously entered into between the said company and the said corporation which is printed as schedule "B" hereto, providing amongst other matters that the said corporation would be at liberty to substitute for the debentures authorized to be issued under the said by-law other debentures to the same amount, payable in forty years from the taking effect of the said by-law, and that the said company would accept such other debentures or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and that the said company would join with the said corporation in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures; and also for power to grant exemption from taxation of the round-house and repair shops of the company, intended to be erected in the city of Ottawa, for a period not exceeding twenty years; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

By-law 1,345 amended and varied.

1. The said by-law number 1345 of the council of the corporation of the city of Ottawa, which is printed as schedule "A" hereto, is hereby amended and varied by substituting the word "forty" for the word "thirty" where it occurs in the third enacting clause thereof, and by substituting the figures "$2,775" for "$3,145," and "$525" for "$895" wherever the same respectively occur in the third recital and the fifth enacting clause of said by-law; and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the several parties thereto according to the terms

thereof; and the clerk of the said corporation is required to register such by-laws as so amended and varied in the proper registry office within four weeks after the passing of this Act; but the omission to register the same shall not affect the validity of the said by-law or of the debentures to be issued thereunder.

Irregularities in form not to invalidate debentures.

2. No irregularity in the form of the said debentures to be issued under the said amended by-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Agreement with Kingston, Smith's Falls and Ottawa R. W. Co. confirmed.

3. The agreement between the said corporation and the said railway company, which is printed as schedule "B" hereto, is hereby ratified and confirmed; and the terms thereof are *declared* binding on them *respectively*.

Power to exempt certain works of railway from taxation.

4. In the event of the round-house and repair shops of the said company in connection with the said round-house, as provided in clause 4 of Schedule B hereto, being established and maintained within the limits of the city of Ottawa, the said council may exempt from taxation *except as to school taxes*, the said round-house and repair shops of the said company if built and maintained in accordance with said agreement and by-laws, for any period not exceeding the term of ten years from the time the same may be established as aforesaid, and the said council may renew the said exemption for a further period of ten years on the like terms.

Right to require principal workshops to be at Kingston not affected.

5. Nothing herein contained shall in any way affect the provisions of the by-law of the city of Kingston, requiring the company to maintain its principal workshops and repair shops in the said city of Kingston, nor relieve the said company from its obligation in respect of the same.

SCHEDULE "A."

By-law No. 1345.

By-law to provide for aiding and assisting the Kingston, Smith's Falls and Ottawa Railway Company by granting to the said company the sum of $50,000 by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest.

Whereas, the Kingston, Smith's Falls and Ottawa Railway Company have made application to the corporation of the city of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the city of Ottawa to the city of Kingston to the amount of the sum of $50,000, and

whereas, it is deemed expedient to grant the same; and whereas, for such purposes it is necessary for such corporation of the city of Ottawa to issue debentures to the said amount of $50,000 in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon; and whereas, it will require the sum of $3,145 to be raised annually by a special rate on the whole rateable property of the city of Ottawa for paying the said sum of $50,000 and interest on the debentures to be issued therefor, of which the sum of $2,250 will be for such interest, and the sum of $895 for a sinking fund from which to pay the said debentures; and whereas, the amount of the whole rateable property of the said city of Ottawa, according to the last revised assessment roll, is $18,236,910; and whereas, the amount of the existing debenture debt of the said corporation of the city of Ottawa is $2,876,106 exclusive of local improvement debts secured by special rates, acts or assessments and there is no part of the principle or interest thereof in arrears.

Therefore, the council of the corporation of the city of Ottawa, enacts and ordains as follows:—

1. That it shall and may be lawful for the corporation of the city of Ottawa to grant by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company towards the construction of their said railway which lies between the city of Ottawa and the city of Kingston aforesaid, the sum of $50,000 in debentures of the said corporation.

2. That for the purposes aforesaid, it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the city of Ottawa to be made, executed and issued to the amount of $50,000 in sums of not less than $100 each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law, at the branch or agency of the Quebec bank in the city of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four and one-half per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the 9th day of July, and on the 9th day of January in each and every year during the currency of the said debentures at the said branch or agency of the Quebec bank, at the city of Ottawa, and such debentures shall each have attached thereto coupons for each half-yearly interest.

5. For the purpose of paying the said debt hereby created, and the interest on the debentures so to be issued therefor as aforesaid, the sum of $3,145 shall be raised, levied and collected in each year of and from the whole rateable property of the city of Ottawa by an equal special rate in addition to

all other rates during the continuance of such debentures of which the sum of $2,250 shall be for such interest, and the sum of $895 for a sinking fund for the ultimate payment of the said debentures.

6. That such debentures shall be delivered by the said mayor for the time being of the said corporation, to the manager for the time being of the Quebec bank, at Ottawa, as the trustee appointed by the said corporation and the said railway company who shall not dispose of the same, or convert the same into money, except and until from time to time the company shall become entitled to the same or the proceeds thereof under and by virtue of this by-law and before any such debentures are so disposed of by the said trustee, he, the said trustee, shall detach therefrom all the then matured interest coupons attached thereto and shall return such matured coupons to the treasurer of the said corporation of the city of Ottawa to be by him duly accounted for.

7. That the said debentures or the proceeds thereof shall be delivered or paid by the said trustee to the said company at the times and subject to the conditions following, that is to say; debentures, or the proceeds thereof, to the amountofs $50,000 upon the completion of the said line of railway and it operation by the said company from the city of Ottawa to the city of Kingston within a period of five years from the date of this by-law.

8. That in the eventof the said company becomingdisentitled to the said debentures, or the proceeds thereof, the said trustees shall return the same to the treasurer for the time being of the city of Ottawa, to be by him duly accounted for and cancelled.

9. That this by-law shall come into force on the 9th day of January, in the year 1893.

Given under the corporate seal of the said corporation of the city of Ottawa, this 9th day of January, 1893.

(Sgd.) O. DUROCHER,
Mayor.

Certified (Sgd.) JOHN HENDERSON,
City Clerk.

SCHEDULE "B."

Memorandum of agreement entered into this 15th day of December, A.D. 1892, between the Kingston, Smith's Falls and Ottawa Railway Company, hereinafter called the "Company," of the first part, and the corporation of the city of Ottawa, hereinafter called the "Corporation," of the second part.

Whereas, the council of the corporation of the city of Ottawa have, subject to the agreement herein, introduced a by-law and are about to submit the same to the ratepayers of the said city for granting aid to the said company to the extent of $50,000, and for the issuing of debentures therefor to be handed over to the said company on completion of the said line of railway from the city of Kingston to the city of Ottawa, within five years from 1st day of January, 1893; and whereas it was agreed between

the said company and the said corporation that upon the introduction of the said by-law, the said company should agree with the said corporation that in the event of such by-law being passed by the council of the said corporation after receiving the assent of the electors, that the said company would complete and have in operation their said railway from the city of Kingston to the city of Ottawa within five years from the 1st day of January, 1893, and that the whole line of the said railway would be operated as an independent and competing line, and especially independent of and competitive with the Canadian Pacific Railway Company, for the period of forty years, and that in the event of the said line of railway not being completed and operated within the said period of five years from the city of Ottawa to the city of Kingston as aforesaid, or on the said railway ceasing to be operated as an independent and competing line as aforesaid within the said period, that the sum of $50,000 shall be paid by the said company to the said corporation.

Now this agreement witnesseth, that in consideration of the passing of the said by-law, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows :—

1. That the said railway company shall and will complete their said line of railway and have the same in operation from the city of Ottawa to the city of Kingston within five years from the 1st day of January, 1893, and in default thereof that the said by-law shall become null and void and of no effect whatsoever.

2. That the said railway shall be operated as an independent and competing line, and especially independent of and competitive with the Canadian Pacific Railway Company for the period of forty years from the date of the passing of the said by-law, and that during the said period the said company will not amalgamate with the Canadian Pacific Railway Company, or with any railway company amalgamated with or controlled by the said the Canadian Pacific Railway Company, and the said company covenants and agrees with the said corporation that if the said railway shall, during the said period cease to be operated as an independent and competitive line of railway, or shall amalgamate with the Canadian Pacific Railway Company or any railway company amalgamated with or controlled by the Canadian Pacific Railway Company, then the said company shall pay to the said corporation the said sum of $50,000, being the amount of the bonus granted in aid of the said railway.

3. That the said corporation will be at liberty to substitute for the debentures mentioned in the said by-law other debentures to the same amount, payable in forty years from the date of the taking effect of the said by-law, and the said company will accept such other debentures, or the proceeds thereof in lieu of the debentures authorized to be issued by the said by-law, and the said company will join with the said corporation

in an application to the Legislative Assembly of Ontario for an Act to authorize the issue of such debentures and also for power to grant exemption from taxation of the round-house and repair shops of the said company

4. That the said company shall and will, within five years from the final passing of this by-law, erect and thereafter maintain for their said railway the round-house and repair shops in connection therewith within the limits of the city of Ottawa or within one mile thereof. And in default of the erection of the said round-house and workshops within the said period, the said company shall and will pay to the said corporation the sum of $50,000, being the amount of the bonus granted in aid of the said railway, if the said debentures or the proceeds thereof shall have been delivered to the said company, and if the said debentures or the proceeds thereof shall not have been at that time delivered to the said company, then, on such default happening, the said company will forfeit all claim to the said debentures, or the proceeds thereof, pursuant to the said by-law or otherwise.

5. The said corporation agrees with the said company that, in the event of the said round-house and repair shops being established within the limits of the city of Ottawa, the council of the said corporation will exempt the same from taxation for a period of ten years, provided they have the power to do so legally and shall recommend a like exemption for a further period of ten years thereafter.

In witness whereof, the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of the proper officers in that behalf and duly certified.

Signed, sealed and delivered in the presence of
(Sd.) A. T. DRUMMOND, witness to F. R. REDPATH'S signature.
(Sd.) W. THOMPSON, witness to J. E. CLARK'S signature.

(Sd.) O. DUROCHER,
Mayor.

(Sd.) F R. REDPATH,
President.

(Sd.) J. E. CLARK,
Secy. K. S. F. & O. Ry. Co.

No. 66.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to authorize the City of Ottawa to issue debentures in aid of the Kingston, Smith's Falls and Ottawa Railway Company.

First Reading, 19th April, 1893.
Second " 28th " 1893.

(*Reprinted as amended by Committee of the Whole House*).

Mr. BRONSON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 67.] BILL [1893.

An Act to incorporate the Hamilton Radial Electric Railway Company.

Preamble.

WHEREAS Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, all of the city of Hamilton, in the county of Wentworth, have, by their petition, prayed for an Act of incorporation under the name of "The Hamilton Radial Electric Railway Company" for the purpose of constructing and operating electric railways from some point or points in the city of Hamilton to a point in or near Mount Forest, via Guelph, and to a point in or near Elmira, via Berlin, and to a point in or near Oakville, via Burlington, and also for the purpose of supplying electric power, light or heat; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton Radial Electric Railway Company."

Application of certain provisions of Rev. Stat. c. 170.

2. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," president and directors," "calls," dividends," "shares" and their transfers, "shareholders," "municipalities taking stock," by-laws, notices etc.," "actions for indemnity," and "fines and penalties, and their prosecution," are incorporated with and shall form part of this Act, and shall apply to the said company and the railway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, or are hereinafter especially excepted; and the expression "this Act," when used herein, shall include the clauses of the said *Railway Act of Ontario*, so incorporated with this Act; provided that sub-sections 6 and 7 of the clauses relating to "powers," being section 9 of the said Railway Act, shall not apply to this Act; provided also that clause 30 of the said Railway Act being the clause relating to "fences" shall not apply to any part of the said railway which runs along or upon any highway.

Rev. Stat. c. 170.

Powers.

3. The company shall have power and authority :—

Location of line.

(1) To construct and operate a double or single iron or steel electric railway, with one or more branches, and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the city of Hamilton to a point in or near Mount Forest, via Guelph, or to any intermediate point between Mount Forest and Hamilton running through the townships of Barton, Ancaster, West Flamboro', East Flamboro', Puslinch, Guelph, Nichol, West Garafraxa, Arthur, or some of them ; and also to construct and operate such a railway from the city of Hamilton to a point in or near Elmira, via Berlin, or some intermediate point betwen Elmira and the city of Hamilton, running through the townships of Barton, Ancaster, West Flamboro', Beverley, North Dumfries and Waterloo, or some of them ; and also to construct and operate such a railway from the city of Hamilton to a point in or near Oakville, via Burlington, or to some intermediate point between Oakville and Hamilton, running through the townships of Barton, Saltfleet, Nelson and Trafalgar or some of them.

Carrying railway along highways.

The said railway or railways may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively; and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force or power of electricity, or such other motive power, except steam power, as they may be authorized by the councils of the several municipalities by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith ; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

Erection of necessary buildings, wharves etc.

(2) To erect or acquire wharves, piers, docks, stations, power houses, work-shops and offices, and to purchase land for any of the company's purposes, and to sell and convey such portions, if any, of such lands as may be found superfluous for any such purpose.

Vessels.

(3) To construct, purchase, charter and navigate steamers and vessels for the purpose of traffic in connection with said railway, and to establish connections between their wharves, piers and docks and their said railway at such point or points as such connections may be required.

(4) To take and hold stock in any navigation or steamboat company. Taking stock in steamboat or navigation company.

(5) To acquire the whole or any part of the stock of any street railway company heretofore or hereafter to be incorporated according to the laws of this Province, and which touches or connects with the line or lines of railway hereby authorized, or any of them. The company shall also have power to run its cars on the lines of any street railway company, having first obtained permission from such company so to do. Acquiring stock in street railway companies.

(6) To purchase, lease or otherwise acquire for the uses of the said railway or railways, and also for the purposes of supplying to other persons or corporations electric power for the purposes of motive power, lighting, heating or any other purpose to which electric power can be put; and to manufacture or produce electric power for any of the aforesaid purposes by the aid of water, steam, gas or any other force which the company may deem it advisable to adopt. Acquiring and producing electricity.

(7) To acquire, by expropriation or otherwise, the right to convey electricity required for the working of the said railways, or any of them, and lighting the same, and for the other purposes hereinbefore specified, over, through, or under lands, other than the right of way of the railways by this Act authorized to be built, as well as over, through or under the right of way, and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and the rights and liabilities of the company in respect thereof shall be the same as is provided by *The Railway Act of Ontario* in respect to lands required for the use of the railway, and also when the right to convey such electricity has been conceded to the company by the parties having the right to make such concession along and upon any of the public roads and highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity; provided such works are not so constructed as to incommode the public use of such roads or highways, or be a nuisance, or impede the free access thereto, or endanger any house or other building erected in the vicinity of same. Erection of poles, wires, etc., for conveying electricity. Rev. Stat., c. 170.

4. That said railway may be of any gauge. Gauge.

5. Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. Provisional directors.

Powers of provisional directors.

6. The said board of provisional directors shall have full power forthwith to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers; to cause plans and surveys to be executed; to enter into agreements for right of way, station grounds, and terminal grounds, and to receive for the company any grant, loan bonus or gift made to, or in aid of the undertaking, and to enter into agreements respecting the condition or disposition of any gift or bonus in aid of the undertaking, with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors, as hereinafter provided. The said directors, or a majority of them, or the board of directors to be elected, as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and all meetings of the provisional board of directors shall be held in the city of Hamilton, in the county of Wentworth, or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 170.

First general meeting for election of directors.

7. When and as soon as shares to the amount of $100,000 capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said city of Hamilton, of the time, place and purpose of the said meeting.

Election, term of office, quorum, and powers of directors.

8. At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid up ten per centum on their shares, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario;* and the said board of directors may employ and pay one of their number as managing director.

Rev. Stat., c. 170.

Qualification of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least fifty shares of stock in the said company, and unless he has paid up all calls thereon.

10. The head office of the said company shall be at the said city of Hamilton, and the general annual meetings of the shareholders of the said company shall be held in the said city of Hamilton, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of Hamilton during the four weeks preceding the week in which such meeting is to be held. Head office, general annual meeting.

11. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general meeting.

12. The provisional directors, or the elected directors, may pay, or agree to pay, in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for the right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the service of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in stock or bonds.

13. The capital stock of the company shall be $2,000,000 with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 20,000 shares of $100 each, and shall be raised by the persons and corporations who shall become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipping and working of the said railway and the purposes of this Act. Capital stock.

14. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock, or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

15. Aliens as well as British subjects and corporations, may be shareholders in the said company, and all such share- Rights of aliens.

holders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Calls.

16. The directors for the time being, may, from time to time make calls as they shall think fit, provided no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice shall be given of each call as provided by section 10 of this Act.

Fares.

17. Subject to the terms of any agreement with a municipal corporation, the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents.

Grants of land to company.

18. Any municipality through which the said railway may pass or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to exempt company from taxation.

19. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company, and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Use of highways by company.

20. Any municipality through which the said railway passes, and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said

company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Aid from municipalities.

21 Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which, the railways or works of the said oompany shall pass or be situate, may aid the said company by giving money or debentures, by way ot bonus, gift or loan, or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonus to railways.

Provisions as to bonus by-laws.

22. Such by-law shall be submitted by the municipa council to the vote of the ratepayers in manner following, namely :—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto. 55 V., c. 42.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid. 55 V., c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-laws, what to contain.

23. Such by-law shall in each instance provide :—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of such debentures, or the application of the amount to be raised thereby, as may be expressed by the said by-law.

(2) For assessing or levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Expenses of by-law.

24. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law approved by ratepayers.

25. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

26 Within one month after the passing of such by-law the said council and the reeve, or other officers thereof, shall issue the debentures necessary to raise the sum mentioned in such by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

Levying rate on portion of municipality.

27. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Council may extend time for commencement of work.

28. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated by the by-law or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Proviso.

Council may extend time for completion.

29. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, and they shall have full power to extend the time

for the completion of the works (on the completion of which the said company will be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time. Proviso.

30. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in said by-laws would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or by the county, as the arbitrators may order. Provisions for referring disputes as to bonus by-laws to arbitration.

31. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

32. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of 55 Vict., c. 42, as to by-laws.

33. The said company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporations or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the 1st day of April next following. Snow fences. Proviso.

34. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, Acquiring lands for stations, gravel pits, etc.

by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat., c. 170.

Acquiring gravel, etc., for construction and repair of railway.

35. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining the materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 170.

Sidings to gravel pits, etc.

36.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing, plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat., c. 170.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

37. Whenever any municipality, or portion of a township municipality, shall grant aid, by way of bonus or gift, to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Governor-General in council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee, or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in council. Trustees of debentures.

38. The said trustees shall receive the said debentures or bonds in trust, firstly, under the direction of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Hamilton Radial Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being, in the form set out in the schedule "A" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of proceeds of debentures.

39. The trustee shall be entitled to their reasonable fees and charges from said trust funds, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

40. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, Power to collect back charges on goods.

and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all rights and remedies of such persons for such charges.

Telegraph and telephone lines.

41. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through the said city of Hamilton, without the consent of the corporation of the said city of Hamilton being first obtained by the said company; provided also, that the telephone lines shall be used exclusively for the purposes of the business of the said company.

42. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies (if lawfully authorized to enter into such agreements) person or persons, for leasing, hiring or use of any electric motors, carriages or cars from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company, or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the electric motors, carriages or cars of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreement with electric light company.

43. The said company shall have power to enter into an agreement or agreements with any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages, or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company, and of selling or disposing to others electric power not required by the company for its own purposes.

Traffic arrangements with other companies.

44. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate an electric railway or railways in or near the city of Hamilton, (if lawfully empowered to enter into any such agreement) upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies, or any of

them (if lawfully authorized to enter into any such agreement) for the sale or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangement and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the city of Hamilton which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Issue of bonds.

45. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $30,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.
53 V. c. 45.

Negotiable instruments

46. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein

provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging bonds for advances.

47. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Form of conveyances.

48. Conveyances of land to the said company for the purposes of and power given by this Act, made in the form set forth in schedule " B " to this Act, or to the like effect, shall be sufficent conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same ; and such conveyance shall be registered in such manner and under such proof of execution as is required under the registry laws of Ontario ; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Commencement and completion of line.

49. The railway shall be commenced within two years and completed to the extent of a through connection with either Guelph, Berlin or Oakville, aforesaid within three years and finally completed within five years after the passing of this Act

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SCHEDULE "A."

(Section 38.)

Chief Engineer's Certificate.

The Hamilton Radial Electric Railway Company's Office.

No. *Engineer's Department.* A.D. 189

Certificate to be attached to cheque drawn on the Hamilton Radial Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the 56th year of Her Majesty's reign.

I, *A.B.*, Chief Engineer of the Hamilton Radial Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of (*or* under the agreement dated the day of between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

SCHEDULE "B."

(*Section 48.*)

Know all men by these presents that I, (*or* we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me (*or* us), by the Hamilton Radial Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or* those certain parcels, *as the case may be*), of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto to the said the Hamilton Radial Electric Railway Company, their successors and assigns forever, (*here insert any other clause or conditions and covenants required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal, (*or* hands and seals), this day or , A.D. 189 .

Signed, sealed and delivered in the presence of } [L.S.]

No. 67.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate The Hamilton Radial Electric Railway Company.

First Reading, , 1893.

(Private Bill.)

Mr. GIBSON,
(*Hamilton*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 67.] **BILL.** [1893.

An Act to incorporate the Hamilton Radial Electric Street Railway Company.

Preamble.

WHEREAS Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, all of the city of Hamilton, in the county of Wentworth, have, by their petition, prayed for an Act of incorporation under the name of "The Hamilton Radial Electric *Street* Railway Company" for the purpose of constructing and operating electric *street* railways ☞ from the city of Hamilton to the city of Guelph, in the county of Wellington, and from thence to the town of Mount Forest, in the said county of Wellington, passing through the townships of Barton, Ancaster, West Flamboro', East Flamboro', Puslinch, Guelph, Nichol, West Garafraxa and Arthur; and from the city of Hamilton to the town of Berlin, in the county of Waterloo, and from thence to the village of Elmira, in the said county of Waterloo, passing through the townships of Barton, Ancaster, West Flamboro', Beverley, North Dumfries and Waterloo; and from the city of Hamilton to the village of Burlington, in the county of Halton, and from thence to the town of Oakville, in the said county of Halton, passing through the townships of Barton, Saltfleet, Nelson and Trafalgar; ☞ and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton Radial Electric *Street* Railway Company."

Location of line.

☞2. Subject to the provisions of *The Street Railway Act* the company are hereby authorized and empowered to construct, maintain, complete and operate an iron or steel electric street railway, with the necessary side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, from the city of Hamilton to the city of Guelph, in the county of Wellington, and from thence to the town of Mount Forest, in the said county of Wellington, passing through the townships of Barton, Ancaster, West Flamboro', East Flamboro', Puslinch, Guelph, Nichol, West Garafraxa and Arthur; and also to construct, maintain, complete and operate

an electric street railway from the city of Hamilton to the town of Berlin, in the county of Waterloo, and from thence to the village of Elmira, in the said county of Waterloo, passing through the townships of Barton, Ancaster, West Flamboro', Beverley, North Dumfries and Waterloo; and also to construct, maintain, complete and operate an electric street railway from the city of Hamilton to the village of Burlington, in the county of Halton, and from thence to the town of Oakville, in the said county of Halton, passing through the townships of Barton, Saltfleet, Nelson and Trafalgar; and the said street railway or street railways may be carried along and upon such steeets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively, and the company hereby incorporated.

Capital stock.

3. The capital stock of the company shall be $1,000,000, to be divided into 10,000 shares of $100 each.

Provisional directors.

4. The said Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to open stock books, and to procure subscriptions for the undertaking, and to call a general meeting of the shareholders for the election of directors as hereinafter provided.

Rights of aliens.

5. Aliens as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Qualification of directors.

6. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least fifty shares of stock in the said company, and unless he has paid up all calls thereon.

First general meeting for election of directors.

7. When and as soon as shares to the amount of $100,000 capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall

call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said city of Hamilton, of the time, place and purpose of the said meeting.

Election, term of office, quorum, and powers of directors.

8. At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have sopaid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinbefore described, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board.

Head office general annual meeting.

9. The head office of the said company shall be at the said city of Hamilton, and the general annual meetings of the shareholders of the said company shall be held in the said city of Hamilton, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of Hamilton during the four weeks preceding the week in which such meeting is to be held.

Special general meeting.

10. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Powers of directors.

11. The directors of the company shall have power to make by-laws for the management of the company; the meetings of directors; the acquirement, management and disposition of its stock, property and effects, and of its affairs and business; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates; the calling of special and general meetings of the company; the appointment, removal, remuneration and duties of all officers, agents, clerks, workmen and servants of the company; and, in general, to do all that may be necessary to carry out the objects and exercise the powers incident to the company, subject to the terms and stipulations contained in any agreement between the company and any of the municipalities aforesaid.

Calls.

12. The directors for the time being, may, from time to time make calls as they shall think fit, provided no calls shall be made at any one time for more than ten per centum of the

amount subscribed by each shareholder; and thirty days' notice shall be given of each call as provided by section 9 of this Act.

Stock to be personal estate.

13. The stock of the company shall be deemed to be personal estate and shall be transferable in such way as the directors shall by by-law direct.

Power to acquire real and personal property subject to Rev. Stat. c. 171.

14. Subject to the provisions of *The Street Railway Act* the company may purchase, lease, hold or acquire and transfer any real or personal estate, necessary for carrying on the operations of the company.

Telegraph and telephone lines.

15. The said company may also construct an electric telegraph line and a telephone line in connection with their *street* railway, *or street railways*, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through *any city, town or incorporated village*, without the consent of the *council of such city, town or village* being first obtained by the said company; provided also, that *such telegraph and* telephone lines shall be used exclusively for the purposes of the business of the said company.

User of highways.

16. Wherever any of the said street railways or their cars, carriages, engines, motors or machinery, is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality, by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between said company and the municipality and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof and in all such cases any and every work, matter or thing in connection with said electricity and the application and user thereof in so carrying, operating, and working the said street railways or their cars, carriages, engines, motors or machinery as aforesaid shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of same, or to endanger the same.

Power to carry on works for production of electricity, etc.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said street railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes

aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire by purchase or gift and hold any property necessary for the purposes mentioned in this section.

Agreements with other companies for leating or hiring rolling stock.

18. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other *street railway* company (if lawfully authorized to enter into such agreements), *or with any* person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person, for such time or times, and on such terms as may be agreed upon; and also to enter into agreements with any *street* railway company, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise, as may be agreed upon.

Agreement with electric light company.

19. The said company shall have power to enter into any agreement or agreements with any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages, or cars, or for lighting or heating the same, or for any other purpose for which *electricity* may be required by the said company.

Power to issue bonds or debentures. Rev. Stat. c. 170.

20. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $20,000 for each mile of the said *street* railways and the provisions of sub-sections 20 (except as hereinafter provided) 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of Her Majesty's reign, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections, but the words "but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work" contained in article (*c*) of said sub section 20, shall not apply to this Act.

Power to enter into contracts, subject to 55 V., c. 42 and Rev. Stat. c. 171, for construction of roadways, etc.

21. Subject to the provisions of this Act, and subject also to the provisions of *The Consolidated Municipal Act, 1892*, and *The Street Railway Act*, and all Acts amending said two last mentioned Acts, the councils of the municipalities aforesaid and the said company are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said street railways,

for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and waterpipes, in the said streets and highways; the location of the said street railways and the particular streets along which the same shall be laid; the pattern of rail, the time and speed of running the cars, carriages or other conveyances, the time within which the works are to be commenced; the manner of proceeding with the same and the time for completion; and generally for the safety and convenience of passengers; the conduct of the servants and agents of the company; and the non-obstructing or impeding of the ordinary traffic; and, subject as aforesaid, the said municipalities are hereby authorized to pass any by-law or by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations, for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto; and also for facilitating the running of the company's cars, carriages and other conveyances, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said street railways may pass.

Application of certain provisions of Rev. Stat. c. 170.

22. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "incorporation," "general meetings," "calls," "shares and their transfers," "shareholders," *and* "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and shall form part of this Act, and shall apply to the said company and the *street* railways to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall include the *said* clauses of the said *Railway Act of Ontario,* so incorporated with this Act.

Incorporation of certain provisions of Rev. Stat. c. 170.

23. The several clauses of *The Street Railway Act* and of every Act in amendmendment thereof shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the said company and to the *street* railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Street* Railway Act and of every Act in amendment thereof, so incorporated with this Act.

Commencement and completion of line.

24. The *said street* railways shall be commenced within two years and completed to the extent of a through connection with either Guelph, Berlin or Oakville, aforesaid within three years and *shall be* finally completed within five years after the passing of this Act.

No. 67.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Hamilton Radial Electric Street Railway Company.

First Reading, 28th April, 1893.

(Reprinted as amended by Railway Committee.)

(Private Bill.)

Mr. AWREY.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 68] **BILL.** [1892.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 30, s. 1, sub-sec. 2, amended.

1. Sub-section 2 of section 2 of *The Workmen's Compensation for Injuries Act, 1892* is amended by adding at the end thereof the following words: "save and excepting where such employer shall be engaged in the ordinary work of agriculture, including husbandmen, gardener or fruit-grower."

55 V. c. 30, s. 1, sub-sec. 2 amended.

2. Sub-section 3 of section 2 of the said Act is amended by striking out the words "servant in husbandry," in the third line thereof.

55 V. c. 20, not to apply to persons engaged in agriculture.

3. Notwithstanding anything therein contained, the said Act shall not be deemed to apply in the case of injuries received by persons engaged in the ordinary work of agriculture or husbandry, or as gardeners or fruit growers.

No. 68

3rd Session, 7th Legislature, 56 Vict., 1893.

Bill

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

First Reading, 12th April, 1893.

Mr. SPRAGUE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 68] **BILL.** [1892.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 30, s. 1, sub-sec. 2, amended.

1. Sub-section 2 of section 2 of *The Workmen's Compensation for Injuries Act, 1892* is amended by adding at the end thereof the following words: "But shall not include a husbandman, gardener and fruit grower or other person engaged in the ordinary work of agriculture."

55 V. c. 30, s. 2, sub-sec. 3 amended.

2. Sub-section 3 of section 2 of the said Act is amended by striking out the words "servant in husbandry," in the third line thereof.

55 V. c. 20, not to apply to persons engaged in agriculture.

3. Notwithstanding anything therein contained, the said Act shall not be deemed to apply in the case of injuries received by persons engaged in the ordinary work of agriculture or husbandry, or as gardeners or fruit growers.

No. 68

3rd Session, 7th Legislature, 56 Vict., 1893.

Bill.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

First Reading, 12th April, 1893.

(*Reprinted as amended by Special Committee.*)

Mr. SPRAGUE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 68] BILL. [1892.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 3 of section 2 of *The Workmen's Compensation for Injuries Act, 1892* is repealed, and the following substituted therefor:— 55 V. c. 30, s. 2, sub-s. 3, repealed.

(3) "Workman" does not include a domestic or menial servant or servant in husbandry, gardening or fruit-growing, where the personal injury caused to any such servant has been occasioned by or has arisen from or in the usual course of his work or employment as a domestic or menial servant, or as a servant in husbandry, gardening or fruit-growing, but save as aforesaid, means any railway servant and any person who, being a labourer, servant, journeyman, artificer, handicraftsman, miner or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age has entered into or works under a contract with an employer, whether the the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour. "Workman," meaning of.

No. 68

3rd Session, 7th Legislature, 56 Vict., 1893.

Bill.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

First Reading, 12th April, 1893.
Second " 21st " 1893.

(Reprinted as amended by Committee of the Whole House.)

Mr. SPRAGUE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 69.] BILL. [1893.

An Act to amend The Consolidated Municipal Act, 1892.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 38 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words, "a majority," in the fourth and eighth lines of the said section, and inserting instead thereof the words, "a two-thirds majority." 55 V. c. 42, s. 38 amended.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Consolidated Municipal Act, 1892.

First Reading, 12th April, 1893.

Mr. MACK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.] BILL. [1893.

An Act to amend The Liquor License Act by prohibiting the sale by retail of Intoxicating Liquors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Act incorporated with Rev Stat. c. 194.

1. This Act shall be read with and as part of *The Liquor License Act.*

Licenses not to be issued after the 1st of May, 1894.

2. On, from and after the 1st day of May, 1894, no tavern licenses or shop licenses shall be issued, renewed or extended within the Province of Ontario.

Inconsistent provisions in Rev. Stat., c. 194, repealed.

3. All the provisions of *The Liquor License Act* and Acts amending the same, providing for the issue, renewal or extension of "tavern licenses" or "shop licenses" inconsistent with this Act shall be on, from and after the 1st day of May, 1894, repealed.

Sale of liquor by retail prohibited.

4. From and after the 1st day of May, 1894, it shall not be lawful for any person or persons to sell or expose for sale, by retail, "liquors or liquor, as defined by the said Acts, within the Province of Ontario; and any person offending against the provisions of this section of this Act shall be liable to the same penalties as are by the said Acts provided for in the case of sales of liquor without a license as by law required.

No. 70.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Liquor License Act by prohibiting the sale by retail of Intoxicating Liquors.

First Reading, 6th April, 1893.

Mr. MARTER.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 71.] **BILL.** [1893

An Act for the Prevention of Cruelty to, and better Protection of, Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

Interpretation: "Court of summary jurisdiction."

1. In this Act the expression "court of summary jurisdiction" means and includes any police or stipendiary magistrate or two justices of the peace acting together.

"Street."

The expression "street" includes any highway or public place, whether a thoroughfare or not.

"Place of safety."

The expression "place of safety" includes any industrial school or house of industry for boys or girls, or any shelter or temporary home established by any duly recognized children's aid society or society for the protection of children, or any other institution subject to the inspection of the inspector of prisons and asylums, or any suitable charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, but not a gaol prison or police cell.

"Parent."

The expression "parent," when used in relation to a child, includes guardian and every person who is by law liable to maintain the child.

"Constable."

The word "constable," in the fifth section of this Act, shall include the agent or officer of any children's aid society or any other duly organized society for the protection of children from cruelty, such agent or officer having been duly commissioned by the mayor of any city or town, or other chief officer of any municipality, to act as a police officer within the limits of such city or town or other municipality, whether with or without salary, payable by such city, town or other municipality.

"Judge."

The word "judge" means a judge of the high court of justice, or a judge of the county court, or a retired judge of the high court or county or district court, or a stipendiary or a police magistrate, or a justice of the peace specially appointed as a commissioner for the trial of juvenile offenders.

"Inspector."

The word "inspector" means the Inspector of Prisons and Public Charities.

"Superintendent."

The word "superintendent" means the provincial officer appointed under the provisions of this Act.

"Minister."

The word "minister" means the provincial secretary or such other member of the executive council as may from time to time, by order of the Lieutenant-Governor, have control over the administration of the provisions of this Act.

Penalty for neglecting or ill-treating children.

2. Any person over sixteen years of age who, having the care, custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and, on conviction thereof by a court of summary jurisdiction, shall be liable, at the discretion of the court, to a fine not exceeding one hundred dollars, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. (Imperial Act, 52 and 53 Vic., Cap. 44, Sec. 1.)

Increased penalty on proof of interest in death of child.

3. If upon the trial of any person under the preceding section it be proved that such person was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed two hundred and fifty dollars, or increase the imprisonment, with or without hard labour, to any term not exceeding nine months. (Imperial Act, 52 and 53 Vic., Cap. 44, sec. 2.)

Causing children to beg in streets,

4.—(1) Any person who—

(*a*) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

or to sing, etc., in streets or taverns between 10 p.m. and 6 a.m.,

(*b*) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p.m. and six a.m.; or

or to sing or perform in public places when under ten years of age.

(*c*) Causes or procures any child under the age of ten years to be at any time in any street, or in any premises licensed for the sale of intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale;

shall, on conviction thereof by a court of summary jurisdiction, be liable, at the discretion of the court, to a fine not exceeding one hundred dollars, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. Penalty.

(2) Provided that any local municipal council may, if they think it necessary or desirable so to do, from time to time by by-law extend or restrict the hours mentioned in sub-section (*b*) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their municipality, or as to any specified area therein. Powers of municipalities as to changing hours.

(3) Provided also, that in the case of any entertainment, or series of entertainments, to take place in premises used for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is satisfactorily shown that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the police magistrate or head of the municipality, anything in this Act notwithstanding, to grant a license for such time, and during such hours of the day, and subject to such restrictions and conditions as he may think fit for any child exceeding seven years of age of whose fitness to take part in such entertainment or series of entertainments without injury the said police magistrate or municipal officer aforesaid is satisfied; and such license may at any time be varied, added to, or rescinded by the same authority upon sufficient cause being shewn; and such license shall be sufficient protection to all persons acting under or in accordance with the same. License for employment of child over seven years of age in circuses, etc., in certain cases.

(4) The municipal council shall assign to some officer of the municipality, or other person, the duty of seeing whether the restrictions and conditions of any license under this section are duly complied with, and such officer or person shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section, as an inspector has to enter, inspect, and examine a factory or workshop under *The Ontario Factories' Act*. This duty shall be discharged by the chief constable of the municipality until some other officer or person is appointed by the municipal council as aforesaid. Municipal officers to see to compliance with conditions of license. Rev. Stat. c. 208.

(5) Nothing in this section shall affect the provisions of *The Public Schools Act*. 54 V. c. 55.

(6) So much of sub-section (*c*) of this section as makes it an offence to cause or procure a child to be in premises for public entertainment, or in any circus or other place of public amusement, for the purpose of singing, Time from which sub-section (*c*) shall be in force.

playing, or performing for profit, shall not come into operation until the first day of October, 1893. (See Imperial Act, 52 and 53 Vic., Cap. 44, sec. 3.)

Powers of constable as to arresting without warrant or removing child.

5.—(1) Any constable may take into custody without warrant any person who, within view of such constable, commits an offence under this Act, where the name and residence of such person are unknown to and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section 2 or sub-section (*a*) of section 4 of this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

Release of person arrested without warrant on bail being given.

(2) Where a constable arrests any person without warrant in pursuance of this section the officer or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge. (Imperial Act, 52 and 53 Vic., Cap. 44, sec. 4.)

Disposal of child by order of court.

6.—(1) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

(*a*) Convicted of committing in respect of such child an offence under section 2 of this Act, or any offence involving bodily injury to the child; or

(*b*) Committed for trial for any such offence; or

(*c*) Bound over to keep the peace towards such child,

any person may bring such child before a judge, and the judge, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relative of the child, or some other fit person named by the judge, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, or to the charge of any duly authorized children's aid society, and may of his own motion, or on the application of any person, from time to time renew, vary, and revoke any

such order; provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

Power and duties of person or societies having custody of child.

(2) Any person or society to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if such person or society were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person or society, notwithstanding that it is claimed by its parent; and any judge having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under *The Industrial Schools Act*, and as he might make under section 20 of the said Act, and such orders may be made on the complaint or application of the person or society to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person or society as the judge may name, and be applied for the maintenance of the child. In determining on the person or society to whom the child shall be so committed, the judge shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person or society of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person or society not of the same religious persuasion as that to which the child belongs, the judge shall, on the application of any person in that behalf, and on its appearing that a fit person or society of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person or society of the same religious persuasion.

Rev. Stat. c. 234.

Proviso.

Provided that if the order to commit the child to the charge of some relation or other person be made in respect of any person having been committed for trial for an offence, as specified in sub-section (1) (*b*) of this section, the judge shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he be acquitted of such charge, or if such charge be dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

Discharge of child by Lieutenant-Governor or Minister.

(3) The Lieutenant-Governor in Council or the Minister may at any time discharge a child from the custody of any person to whom it is committed in pursuance of this section, either absolutely, or on such conditions as may be approved of, and may from time to time make, alter, or revoke rules in relation to children so committed to any person and to the duties of such persons with respect to such children. (See Imperial Act, 52 and 53 Vic., Cap. 44, sec. 5.)

Power of search.

7.—(1) If it appears to any police magistrate, or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is *bona fide* acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill treated or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering, or to be injurious to its health, such magistrate or justices may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with in the manner provided by section 6 ;

Proviso.

Provided always, that the powers hereinbefore conferred on any two justices may be exercised by any one justice, if upon the information the case appears to him to be one of urgency.

Issuing warrant for arrest in addition to said warrant.

(2) The magistrate or justices or justice issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a judge and proceedings to be taken for punishing such person according to law.

Power to enter and remove child.

(3) Any person authorized by warrant under this section to search for any child, and to take it to and detain it in a place of safety, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

Warrants, who may execute.

(4) Every warrant issued under this section shall be addressed to and executed by some superior officer of police who shall be accompanied by the person making the information if such person so desire, unless the magistrate, justices or justice otherwise direct, and may also if the magistrate, justices or justice so direct, be accompanied by a medical practitioner.

Not necessary to specify child.

(5) It shall not be necessary in any information or warrant for the purpose of this section to specify any particular child. (Imp. Act, 52 & 53 Vict., cap. 44, sec. 6.)

Evidence of children.

8. Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the judge understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the judge, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(2) A person shall not be liable to be convicted of an offence, unless the testimony admitted by virtue of this section and given on behalf of the prosecution, is corroborated by some other material evidence implicating the accused; and

Corroboration.

(3) Any child whose evidence is received as aforesaid, and who shall wilfully give false evidence, shall be liable to be tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section three of *The Juvenile Offenders Act*, (R.S.C. c. 177) in the case of juvenile offenders.

Punishment of children for false statements.

R.S.C., c. 177.

(As to the foregoing sections see also New South Wales Statutes, 1892, Laws of Michigan, Massachusetts, California, etc., etc.)

9. The Lieutenant-Governor in Council may appoint an officer who shall be known as the Superintendent of Neglected and Dependent Children, and whose salary shall be paid out of such moneys as may be from time to time set apart for the purpose by the Legislative Assembly of the Province; and it shall be the duty of such officer:

Appointment and duties of superintendent.

(*a*) To encourage and assist in the organization and establishment in various parts of the Province of children's aid societies for the protection of children from cruelty, and for the due care of neglected and dependent children in temporary homes or shelters and the placing of such children in properly selected foster homes;

To assist in establishing children's aid societies.

(*b*) To visit and inspect industrial schools and temporary homes or shelters as often as occasion may require, and not less often than may be directed by Order in Council or departmental regulation in that behalf;

Inspection of industrial schools, shelters, etc.

(*c*) When specially directed, to visit any home or place where any child is boarded out or placed pursuant to the provisions of this Act;

Special inspections.

(*d*) To advise children's visiting committees and to instruct them as to the manner in which their duties are to be performed:

Advising visiting committees.

(*e*) To see that a record of all committals is kept by the various children's aid societies and of all children placed out in foster homes under this Act, and of all particulars connected with each case;

Records of commitals.

(*f*) To inspect houses registered for the reception of children under the *Act for the Protection of Children*, and to instruct local children's aid societies and visiting committees as to the proper supervision of such houses;

Inspection of houses registered under Rev. Stat. c. 209.

(*g*) To prepare and submit an annual report on the various matters dealt with by him under the provisions of this Act.

Annual report.

Other duties.

(*h*) To perform such other duties as may be prescribed by the Lieutenant-Governor in Council.

Shelters for young children in cities and towns.

10.—(1) For the better protection of neglected children between the ages of three and fourteen years there shall be provided in every city or town having a population of over 10,000 one or more places of refuge for such children only, to be known as temporary homes or shelters. Such homes shall be distant not less than one-half mile from any penal or pauper institution, and no pauper or convict shall be permitted to live or labour therein, and they shall not be used as a permanent provision or residence for any child but for its temporary protection for so long a time only as shall be absolutely necessary for the placing of the child in a well selected foster home. Children demented, idiotic or suffering from incurable or contagious diseases shall not be taken into these temporary homes. (Connecticut Public Acts, 1883.)

Existing asylums may be used as shelters.

(2) Orphan asylums or other children's homes now in operation in any city or town may, with the consent of the trustees or governing bodies thereof, be used as temporary homes or shelters under this section; and when desirable for economical reasons, not being inconsistent with the welfare of the children to be provided for, such temporary homes or shelters may be established in desirable private families; but in no instance shall such home or shelter be under the same care or management as a poor house or refuge or any penal institution.

Powers of children's aid societies.

(3) When in any municipality a Children's Aid Society has been duly organized and has been approved by the Lieutenant-Governor in Council, such Children's Aid Society shall have the supervision and management of any such children in the temporary home or shelter provided by or at the expense of such municipality.

Appointment and duties of children's visiting committees.

11.—(1) For each electoral district within the Province of Ontario there shall be appointed a committee consisting of six persons, not less than three of whom shall be women, who shall be known as the "Children's Visiting Committee" for such electoral district. The said committee shall co-operate with the Children's Aid Societies and shall serve without compensation. They shall have the right at all times to visit any temporary home or shelter in the electoral district, and to suggest from time to time such provisions, changes or additions as they may think desirable. They shall also assist, under the direction and advice of the superintendent, in the careful selection of foster homes for the children in the temporary homes or shelters and in the visitation of children when placed in selected families, and such visitation shall be made for each child at least once in every three months; and the said committee shall have power to remove any child from the family in which it may be placed to a temporary home or to another family at their discretion, subject to any rules or regulations in that

behalf, to be approved by the Lieutenant-Governor in Council. The said committee shall also have the right at any time to visit and inspect any house registered under the Act for the Protection of Infant Children, Rev. Stat. c. 209, and to exercise the powers given by section 9 of said Act.

Who to appoint.

(2) The said children's visiting committee for each electoral district shall be appointed by the county judge, the sheriff and the member of the Legislative Assembly for such electoral district, and shall hold office for a period of three years.

Selection of homes by committees.

(3) The said committee shall, in the selection of homes, endeavour to secure homes where children may be received to be cared for without remuneration, and shall aim at promoting and encouraging a philanthropic sentiment on behalf of neglected, abandoned and destitute children, and adopt such methods as they may think best for securing voluntary subscriptions of money to be devoted to the effective carrying out of the objects of this Act.

Reports to be made by committee.

(4) The said committee shall from time to time report to the superintendent the homes which they select and recommend for the care of children, with full particulars in each case; and shall also annually report to the superintendent as to their visitations and as to each child placed out in their district and as to all other matters coming within their sphere of duty as such committee. They shall also from time to time report to children's aid societies with reference to children placed out by such societies respectively, to the end that such societies may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children.

Expenses of supporting children in homes. Municipalities to contribute.

12.—(1) Towards the necessary expenses of supporting children in temporary homes or in foster homes where such children are not cared for without compensation, until they reach the age of twelve years for girls and fourteen years for boys there shall be paid by the municipality to which they belong not less than one dollar weekly per child. The placing of children with the lowest bidder is hereby prohibited. (Connecticut laws.)

When child deemed to belong to a municipality,

(2) For the purposes of this section any child shall be deemed to belong to the municipality in which such child has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which such child was taken into custody, shall be presumed.

Recovery from municipality liable.

(3) A municipality having made any payment under this section for the maintenance of a child in respect of whom some other municipality is liable to make such payment, shall be entitled to recover the amount so paid from such other municipality.

Recovery from parents.

(4) Every municipality incurring expenditure hereunder may recover the amount of such expenditure from the parents of children in respect of whom such expenditure may be made (Maine laws; Industrial Schools Act.)

Order of committal may direct weekly payment.

(5) The order of committal of any child under this Act may direct payment by the parents or either of them to the municipality of the said sum of one dollar per week and of such further sum to the Children's Aid Society assuming the control of the child as the judge may deem reasonable and may consider the parents able to pay.

Application for order for maintenance.

(6) At any time after committal of a child the municipality or the Children's Aid Society may apply to the Judge of the Division Court of the division in which the parent resides, according to the form and in manner provided by section 22 of The Industrial Schools Act for such order for payment of maintenance or of additional maintenance as the circumstances may justify, and any parent may also make application to the Judge of the Division Court in like manner for an order reducing the amount payable under any order, or revoking such order, or varying or suspending in whole or in part the operation of the same. (Victoria Statutes, 51 Vic.)

When officers of children's aid societies act as constables and apprrhend children.

13. Officers of any children's aid society duly approved by the inspector or superintendent may be authorized by boards of police commissioners in cities and towns having such boards and by the mayors and reeves of other municipalities to act as constables for the purpose of enforcing the provisions of this or *The Industrial Schools' Act*, and such officers may apprehend without warrant and bring before the judge as neglected any child apparently under the age of fourteen years who comes within any of the following descriptions, namely:

Rev. Stat c. 234.

(1) Who is found begging or receiving alms or thieving in any street, thoroughfare, tavern or place of public resort, or sleeping at night in the open air;

(2) Who is found wandering about at late hours and not having any home or settled place of abode, or proper guardianship;

(3) Who is found associating or dwelling with a thief, drunkard or vagrant, or who by reason of the neglect or drunkenness or other vices of the parents is suffered to be growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life;

(4) Who is found in any house of ill-fame, or in company of a reputed prostitute;

(5) Who is found destitute, being an orphan or having a surviving parent who is undergoing imprisonment for crime. (See Industrial Schools Act, Michigan, Minnesota, Wisconsin

and Rhode Island State Public School Laws; Victoria Neglected Children's Act, 1887; Revised Statutes of Maine, 1883, chapter 59; French Code, article No. 21, 240: law for the protection of abused or morally abandoned children, 1889.)

Powers and duty of judge on apprehension of child.

14.—(1) Any child apprehended under the next preceding section of this Act shall be brought before the judge for examination, and it shall thereupon be the duty of the judge to investigate the facts of the case and ascertain whether such child is dependent and neglected, its age, and the name and residence of parents, and the said judge shall have power to compel the attendance of witnesses, and may, in his discretion, request the attendance of the Crown attorney for such examition, and if requested it shall be the duty of the Crown attorney to attend accordingly. The parents or person having the actual custody of such child shall be duly notified of such examination, and any friend may appear in behalf of any child, and in his discretion the judge may request the duly authorized representative of the local children's aid society to appear in behalf of any child; and if on such examination the judge shall find that any child is dependent or neglected within the meaning of the next preceding section or so as to be in a state of habitual vagrancy or mendicity, or ill-treated so as to be in peril of life, health or morality by continued personal injury or by grave misconduct or habitual intemperance of the parents or guardian, he shall enter such finding by a proper order in that behalf, and may order delivery of such child to the children's aid society, and the children's aid society may send such child to their t mporary home or shelter to be kept until placed in an approved foster home pursuant to the provisions of this Act. The judge shall deliver to the children's aid society procuring such examination a certified copy of the order made in the case, which shall contain, besides the said finding, a statement of the facts so far as ascertained as to the age of such child, name, nationality and residence, and occupation of parents or either of them, and whether either of them is dead or has abandoned the child, and in the case of the examination of two or more children at the same time only one order need be made.

Committal of children on proof of vicious or immoral conduct.

(2) If, in the opinion of the judge, a child apprehended in pursuance of the provisions of this section has been leading an immoral or depraved life, or is not a fit subject to be dealt with under the next preceding sub-section, the judge may order such child to be committed to any industrial school or refuge for boys or girls or other institution subject to the inspection of the Inspector of Prisons and Asylums or to any suitable charitable society authorized to exercise the powers conferred by the Act respecting Apprentices and Minors, and willing to receive such child to be there kept, cared for and educated for a period not extending beyond the period at which such child shall attain the age of eighteen years, or for any period not

Rev. Stat. c. 142.

exceeding two years, and thereafter to be delivered to the children's aid society for the purpose of being placed in an approved foster home.

(See Victoria Neglected Children's Law Amendment, 51 Vict. Ontario Act, 51 Vict., cap.40, s. 1. See also other enactments referred to at end of section 13.)

Duties of children's aid societies as guardians.

15.—(1) The children's aid society to the care of which any child may be committed under the provisions of this Act, shall, subject to the provisions of sections 17 and 18 of this Act, be the legal guardian of such child, and it shall be the duty of such society to use special diligence in providing suitable homes for such children as may in the said manner be committed to their care ; and such society is hereby authorized to place such children in such families on a written contract during minority, or until 18 years of age, in the discretion of such society, providing for their education in the public schools (or in the case of Roman Catholic children in the separate schools) where they may reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for payment on the termination of such contract to the said society for the use of the child of any sum of money that may be provided for in said instrument. All such contracts shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when in the opinion of the society placing out such child the welfare of the child requires it. (Cf., Michigan, Wisconsin, Minnesota and Rhode Island laws.)

Powers as to guardianship.

(2) The children's aid society to which any child shall be committed may at any time during the period of their control or guardianship of such child exercise all the powers conferred by sections 2 and 6 of the *Act respecting Apprentices and Minors* upon the charitable societies therein mentioned.

Rev. Stat. c. 142.

(Industrial School Act, sec. 20).

Medical examination of child before committal.

16. Whenever on the examination provided for by section 14 the judge shall determine that the child is dependent and neglected within the meaning of this Act, he shall cause it to be examined by a respectable practising physician and shall in no case order the delivery of the child to the society unless the physician making such examination shall certify in writing filed in court that the child examined by him is, in his opinion, of sound mind and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the judge ; and a copy of such certificate shall be attached to the other papers required by this Act to accompany such child to any shelter or temporary home. (Michigan, Wisconsin, Rhode Island and Minnesota state school laws.)

Term of guardianship.

17.—(1) Where a child is maintained by any children's aid society, or in any foster home, having been placed out by

proper authority in that behalf, and such child was deserted by its parents, the children's aid society may at any time resolve that such child shall be under the control of such society until it reaches the age of twenty-one years or such earlier age as may be thought sufficient, and thereupon until the child reaches that age all the powers and rights of such parent in respect of that child shall, subject as in this Act mentioned, vest in the the said society ;

Provided that such society may rescind such resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit such child to be either permanently or temporarily under the control of such parent, or of any other relative or of any friend. Proviso.

(2) A judge, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the society, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may make an order accordingly, and any such order shall be complied with by the society, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent as respects such child. Order for return of child to parent.

(3) For the purposes of this Act a child shall be deemed to be maintained by a children's aid society if it is wholly or partly maintained by them, either in any shelter or temporary home or other institution conducted by such society, or is boarded out under the provisions of this or any other Act in that behalf. What to be deemed maintenance by children's aid societies.

(4) Where a parent is imprisoned on a criminal charge, or in respect of an offence committed against a child, this section shall apply as if such child had been deserted by that parent. Imprisonment of parent to be deemed desertion.

(5) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive any society of any of the powers and rights conferred on them by this section. (Imperial Act, 52 and 53 Vic., cap. 56.) Persons not relieved from liability for maintenance.

18.—(1) Where the parent of a child applies to any court having jurisdiction in that behalf, for a writ or order for the production of the child, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may, in its discretion, decline to issue the writ or make the order. When court may refuse writ for production of child.

(2) If at the time of the application for a writ or order for the production of the child, the child is being brought up by Liability of parent on return of child.

another person, or is boarded out by a children's aid society duly authorized in that behalf, the court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person or such society the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the court to be just and reasonable, having regard to all the circumstances of the case.

When parent must show fitness to exercise parental duties.

(3) When a parent has—

(*a*) Abandoned or deserted his child ; or

(*b*) Allowed his child to be brought up by another person at that person's expense, or by any children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties ;

the court shall not make an order for the delivery of the child to the parent unless the parent has satisfied the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

Order as to religious training of child.

(4) Upon any application by the parent for the production or custody of a child, if the court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this section contained shall interfere with or affect the power of the court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice. (Imperial Act, 54 Vict., Cap. 3.)

Societies for persons having custody of children to be liable to inspection.

19. Every society or person to whose care any child may be committed under the provisions of this Act, and every person entrusted with the care of any such child by any such person or institution shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the superintendent or any of the members of the local children's visiting committee, or any person authorized by or under regulations approved by Order of the Lieutenant-Governor in Council for the time being in force in that behalf. (Victoria, Neglected Childrens' Act, 1887).

Protestant children not to be committed to Roman Catholic home and *vice versa*.

20. Notwithstanding anything in this Act contained, no Protestant child shall be committed to the care of any Roman Catholic children's aid society, nor shall any Roman Catholic child be committed to a Protestant children's

aid society, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall any Roman Catholic child be placed out in any Protestant family as its foster home. This section does not apply to the care of children in a temporary home or shelter, as in this Act provided, in a municipality in which there is but one Children's Aid Society. (See Victoria statute 1888, sec. 67.)

Right of ministers of religion to visit children in homes and shelters.

21. Subject to such regulations as may be hereafter provided and approved of as aforesaid, all ministers of religion or any person being duly authorized by the recognized head of any religious denomination, shall have admission to every temporary home or shelter and access to such of the children placed or detained therein as may belong to their respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such children of their respective denominations. (Victoria, 1888, sec. 43.)

Visitors, who may be.

22. All members of the Parliament of Canada and of the Legislative Assembly of Ontario, and all judges and justices of the peace shall be entitled to visit every temporary home or shelter, and shall have admission to the same accordingly.

Powers of visitors.

23. Every person entitled to visit any such temporary home or shelter as aforesaid, and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such temporary home or shelter by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such temporary home or shelter, and the superintendent, matron, teachers, officers or servants, or the children placed or detained therein, or any of them, and such book shall be produced to the inspector or superintendent whenever he visits such temporary home or shelter. (Victoria, 1888, sec. 45.)

Trial of children for offences against Provincial laws.

24. Whenever a complaint is made or pending against any boy under the age of 16 years or girl under the age of 17 years for the commission of any offence against the laws of this Province not punishable by law with imprisonment, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once and before any proceedings are had in the case to give notice in writing to the executive officer of the children's aid society, if there be one in the county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the officer may proceed to enquire into and make full examination of the parentage and surroundings of the child and of all the facts and circumstances of the case and report the same to the court or magistrate, who may advise and counsel with the

said officer of the said society ; and if upon consultation after full investigation and proof of the offence charged it shall appear to the court that the public interest and the interest of the child will be best subserved thereby, an order may be made for the return of such child to his or her parents, guardian or friends, or the court may authorize the said officer to take such child and bind him or her out to some suitable person until he or she shall have attained the age of 21 years, or for any less time, or impose a fine, or suspend sentence for a definite or indefinite period, or if the child be found guilty of the offence charged, or be wilfully wayward and unmanageable, the court may cause him or her to be sent to an industrial school or to the provincial reformatory for boys or to the refuge for girls, as the case may be, and in such cases the report of the officers of the society shall be attached to the warrant of commitment.

Presumption of age of child.

25. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under any specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

Right of inflicting punishment not affected.

26. Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Prosecutions when offence is a contravention of other provisions.

27. Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted and punished either under this Act, or under the other Act, or at common law, so that no person be punished twice for the same offence.

Adoption of or apprenticing children on conviction.

28. Any court or magistrate in lieu of committing to prison any child under the age of 14 years convicted before him of any offence against the laws of this Province may hand over such child to the charge of any home for destitute and neglected children or industrial school or children's aid society and the managers of such home or school or society may permit its adoption by a suitable person, and may apprentice it to any suitable trade, calling or service, and the transfer shall be as valid as if the managers were parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister. (New South Wales, 1892.)

Children not to be committed to gaols.

29. No child under 16 years of age held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners. It shall be the duty of the officer

in charge of such place of confinement to secure, as far as the construction of such place will admit, the exclusion of such children from the society of such adult prisoners during their confinement. (Michigan laws.)

Custody of children pending trial.

30.—(1) In cities and towns with a population of more than ten thousand, children under the age of 16 years who are charged with offences against the laws of this Province or who are brought before a judge for examination under any of the provisions of this Act shall not before trial or examination be confined in the lock-ups or police cells used for ordinary criminals or persons charged with crime, nor, save as hereinafter mentioned, shall such children be tried or have their cases disposed of in the police court rooms ordinarily used as such. It shall be the duty of such municipalities to make separate provision for the custody and detention of such children prior to their trial or examination, whether by arrangement with some member of the police force or other person who may be willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells; and it shall be the duty of the judge to try all such children or examine into their cases and dispose thereof, where practicable, in premises other than the ordinary police court premises, or, where this is not practicable, in the private office of the judge, if he have one, or in some other room in the municipal buildings, or, if this be not practicable, then in the ordinary police court room, but only in such last mentioned case when an interval of *two hours* shall have elapsed after the other trials or examinations for the day have been disposed of.

Place of trial.

Confinement of children and trial on premises of children's aid society.

(2) Where any children's aid society possesses premises affording the necessary facilities and accommodation, children, apparently under the age of twelve years, may, after apprehension under the provisions of this Act, be temporarily taken charge of by such society until their cases are disposed of; and the judge may hold the examination into the case of such children in the premises of the said society.

Preliminary examination into charge of cruelty may be held in house.

(3) The judge may, if he thinks fit, hold the preliminary examination or the trial of any case against any parent for alleged cruelty to a child in the house where the parent resides, but only at the request of such parent.

Private trial of children.

(4) The judge shall exclude from the room or place where any child under 16 years of age, or any parent charged with cruelty to his child is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent.

By-laws to prevent children being on the streets after nightfall.

31.—(1) Municipal councils in cities, towns, and incorporated villages shall have power to pass by-laws for the regulation of the time after which children shall not be in the streets at nightfall without proper guardianship and the age or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed, and such municipal council shall in such case cause a bell or bells to be rung at or near the time appointed as a warning, to be called the "curfew bell," after which the children so required to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause.

Children after warning may be taken home.

(2) Any child so found after the time appointed shall be liable to be warned by any constable or peace officer to go home, and if after such warning the child shall be found loitering on the streets such child may be taken by such constable to its home.

Summoning parents, etc., permitting children to break the law.

(3) Any parent or guardian may be summoned for permitting his child to habitually break said by-law after having been warned in writing, and may be fined for the first offence $1, without costs, and for the second offence $2, and for a third, or any subsequent offence, $5.

No. 71.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act for the Prevention of Cruelty to and better Protection of, Children.

First Reading, 10th April, 1893.

Mr. GIBSON,
(*Hamilton.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 71.] **BILL.** [1893

An Act for the Prevention of Cruelty to, and better Protection of Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation: "Court of summary jurisdiction."

1. In this Act the expression "court of summary jurisdiction" means and includes any police or stipendiary magistrate or two justices of the peace acting together.

"Street."

The expression "street" includes any highway or public place, whether a thoroughfare or not.

"Children's Aid Society" shall mean any duly incorporated and organized society having among its objects the protection of children from cruelty and the care and control of neglected and dependent children, such society having been approved by the Lieutenant-Governor in Council for the purposes of this Act.

"Place of safety."

The expression "place of safety" includes any industrial school or house of industry for boys or girls, or any shelter or temporary home established by any children's aid society or society for the protection of children, approved of by the Lieutenant-Governor for the purposes of this Act, or any other institution subject to the inspection of the inspector of prisons and asylums, or any suitable charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, but not a gaol prison or police cell.

"Parent."

The expression "parent," when used in relation to a child, includes guardian and every person who is by law liable to maintain the child.

"Constable."

The word "constable," in the fifth section of this Act, shall include the agent or officer of any children's aid society or any other society for the protection of children from cruelty, *approved as aforesaid*, such agent or officer having been duly commissioned by the mayor of any city or town, or other chief officer of any municipality, to act as a police officer within the limits of such city or town or other municipality, whether with or without salary, payable by such city, town or other municipality.

"Judge."

The word "judge" means a judge of the high court of justice, or a judge of the county court, or a retired judge of the high court or county or district court, or a stipendiary or a police magistrate, or a justice of the peace specially appointed as a commissioner for the trial of juvenile offenders.

"Inspector."

The word "inspector" means the Inspector of Prisons and Public Charities.

"Superintendent." The word "superintendent" means the provincial officer appointed under the provisions of this Act.

"Minister." The word "minister" means the provincial secretary or such other member of the executive council as may from time to time, by order of the Lieutenant Governor, have control over the administration of the provisions of this Act.

Penalty for neglecting or ill-treating children.

2. Any person over sixteen years of age who, having the care, custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and, on conviction thereof by a court of summary jurisdiction, shall be liable, at the discretion of the court, to a fine not exceeding one hundred dollars, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. (Imperial Act, 52 and 53 Vic., Cap. 44, Sec. 1.)

Increased penalty on proof of interest in death of child.

3. If upon the trial of any person under the preceding section it be proved that such person was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed two hundred and fifty dollars, or increase the imprisonment, with or without hard labour, to any term not exceeding nine months. (Imperial Act, 52 and 53 Vic., Cap. 44, sec. 2.)

Causing children to beg in streets,

4.—(1) Any person who—

(*a*) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

or to sing, etc., in streets or taverns between 10 p.m. and 6 a.m.,

(*b*) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p.m. and six a.m.; or

or to sing or perform in public places when under ten years of age.

(*c*) Causes or procures any child under the age of ten years to be at any time in any street, or in any premises licensed for the sale of intoxicating

liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale;

shall, on conviction thereof by a court of summary jurisdiction, be liable, at the discretion of the court, to a fine not exceeding one hundred dollars, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. Penalty.

(2) Provided also, that in the case of any entertainment, or series of entertainments, to take place in premises used for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is satisfactorily shown that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the police magistrate or *the* head of the municipality, anything in this Act notwithstanding, to grant a license for such time, and during such hours of the day, and subject to such restrictions and conditions as he may think fit for any child exceeding seven years of age of whose fitness to take part in such entertainment or series of entertainments without injury the said police magistrate or municipal officer aforesaid is satisfied; and such license may at any time be varied, added to, or rescinded by the same authority upon sufficient cause being shewn; and such license shall be sufficient protection to all persons acting under or in accordance with the same. License for employment of child over seven years of age in circuses, etc., in certain cases.

(3) The municipal council shall assign to some officer of the municipality, or other person, the duty of seeing whether the restrictions and conditions of any license under this section are duly complied with, and such officer or person shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section, as an inspector has to enter, inspect, and examine a factory or workshop under *The Ontario Factories' Act.* This duty shall be discharged by the chief constable of the municipality until some other officer or person is appointed by the municipal council as aforesaid. Municipal officers to see to compliance with conditions of license. Rev. Stat. c. 208.

(4) So much of clause (*c*) of sub-section 1 of this section as makes it an offence to cause or procure a child to be in premises for public entertainment, or in any circus or other place of public amusement, for the purpose of singing, Time from which sub-section (*c*) shall be in force.

playing, or performing for profit, shall not come into operation until the first day of October, 1893. (See Imperial Act, 52 and 53 Vic., Cap. 44, sec. 3.)

Powers of constable as to arresting without warrant or removing child.

5.—(1) Any constable may take into custody without warrant any person who, within view of such constable, commits an offence under *section 2* of this Act, where the name and residence of such person are unknown to and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section 2 or clause (*a*) of sub-section 1 of section 4 of this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

Release of person arrested without warrant on bail being given.

(2) Where a constable arrests any person without warrant in pursuance of this section the officer or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge. (Imperial Act, 52 and 53 Vic., Cap. 44, sec. 4.)

Disposal of child by order of court.

6.—(1) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

(*a*) Convicted of committing in respect of such child an offence under section 2 of this Act.

(*b*) Committed for trial for any such offence; or

(*c*) Bound over to keep the peace towards such child,

any person may bring such child before a judge, and the judge, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relative of the child, or some other fit person named by the judge, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, or to the charge of any duly authorized children's aid society, and may of his own motion, or on the application of any person, from time to time renew, vary, and revoke any

such order; provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

Power and duties of person or societies having custody of child.

(2) Any person or society to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if such person or society were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person or society, notwithstanding that it is claimed by its parent; and any judge having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under *The Industrial Schools Act*, and as he might make under section 20 of the said Act, and such orders may be made on the complaint or application of the person or society to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person or society as the judge may name, and be applied for the maintenance of the child. In determining on the person or society to whom the child shall be so committed, the judge shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person or society of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person or society not of the same religious persuasion as that to which the child belongs, the judge shall, on the application of any person in that behalf, and on its appearing that a fit person or society of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person or society of the same religious persuasion.

Rev. Stat. c. 234.

Proviso.

Provided that if the order to commit the child to the charge of some relation or other person be made in respect of any person having been committed for trial for an offence, as specified in sub-section (1) (*b*) of this section, the judge shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he be acquitted of such charge, or if such charge be dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

Discharge of child by Lieutenant-Governor or Minister.

(3) The Lieutenant-Governor in Council or the Minister may at any time discharge a child from the custody of any person to whom it is committed in pursuance of this section, either absolutely, or on such conditions as may be approved of, and may from time to time make, alter, or revoke rules in relation to children so committed to any person and to the duties of such persons with respect to such children. (See Imperial Act, 52 and 53 Vic., Cap. 44, sec. 5.)

Power of search.

7.—(1) If it appears to any police magistrate, or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is *bona fide* acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill treated or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering, or to be injurious to its health, such magistrate or justices may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with in the manner provided by section 6 ;

Proviso.

Provided always, that the powers hereinbefore conferred on any two justices may be exercised by any one justice, if upon the information the case appears to him to be one of urgency.

Issuing warrant for arrest in addition to said warrant.

(2) The magistrate or justices or justice issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a judge and proceedings to be taken for punishing such person according to law.

Power to enter and remove child.

(3) Any person authorized by warrant under this section to search for any child, and to take it to and detain it in a place of safety, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

Warrants, who may execute.

(4) Where there is no superior officer of police the warrant may be addressed to and executed by any policeman or constable approved of for that purpose by the head of the municipality or by any such society as mentioned in the first section of this Act.

Not necessary to specify child.

(5) It shall not be necessary in any information or warrant for the purpose of this section to specify any particular child. (Imp. Act, 52 & 53 Vict., cap. 44, sec. 6.)

Evidence of children.

8. Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the judge understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the judge, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(2) A person shall not be liable to be convicted of an offence, unless the testimony admitted by virtue of this section and given on behalf of the prosecution, is corroborated by some other material evidence implicating the accused; and Corroboration.

(3) Any child whose evidence is received as aforesaid, and who shall wilfully give false evidence, shall be liable to be tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section three of *The Juvenile Offenders Act*, (R.S.C. c. 177) in the case of juvenile offenders. Punishment of children for false statements. R.S.C., c. 177.

(As to the foregoing sections see also New South Wales Statutes, 1892, Laws of Michigan, Massachusetts, California, etc., etc.)

9. The Lieutenant-Governor in Council may appoint an officer who shall be known as the Superintendent of Neglected and Dependent Children, and whose salary shall be paid out of such moneys as may be from time to time set apart for the purpose by the Legislative Assembly of the Province; and it shall be the duty of such officer: Appointment and duties of superintendent.

(*a*) To encourage and assist in the organization and establishment in various parts of the Province of children's aid societies for the protection of children from cruelty, and for the due care of neglected and dependent children in temporary homes or shelters and the placing of such children in properly selected foster homes; To assist in establishing children's aid societies.

(*b*) To visit and inspect industrial schools and temporary homes or shelters as often as occasion may require, and not less often than may be directed by Order in Council or departmental regulation in that behalf; Inspection of industrial schools, shelters, etc.

(*c*) When specially directed, to visit any home or place where any child is boarded out or placed pursuant to the provisions of this Act; Special inspections.

(*d*) To advise children's visiting committees and to instruct them as to the manner in which their duties are to be performed: Advising visiting committees.

(*e*) To see that a record of all committals is kept by the various children's aid societies and of all children placed out in foster homes under this Act, and of all particulars connected with each case; Records of committals.

(*f*) To inspect houses registered for the reception of children under the *Act for the Protection of Children*, and to instruct local children's aid societies and visiting committees as to the proper supervision of such houses; Inspection of houses registered under Rev. Stat. c. 209.

(*g*) To prepare and submit an annual report on the various matters dealt with by him under the provisions of this Act. Annual report.

(*h*) To perform such other duties as may be prescribed by the Lieutenant-Governor in Council. Other duties.

Shelters for young children in cities and towns.

10.—(1) For the better protection of neglected children between the ages of three and fourteen years there shall be provided in every city or town having a population of over 10,000 one or more places of refuge for such children only, to be known as temporary homes or shelters. Such homes shall be distant not less than one-half mile from any penal or pauper institution, and no pauper or convict shall be permitted to live or labour therein, and they shall not be used as a permanent provision or residence for any child but for its temporary protection for so long a time only as shall be absolutely necessary for the placing of the child in a well selected foster home. Children demented, idiotic or suffering from incurable or contagious diseases shall not be taken into these temporary homes. (Connecticut Public Acts, 1883.)

Existing asylums may be used as shelters.

(2) Orphan asylums or other children's homes now in operation in any *municipality* may, with the consent of the trustees or governing bodies thereof, be used as temporary homes or shelters under this section; and when desirable for economical reasons, not being inconsistent with the welfare of the children to be provided for, such temporary homes or shelters may be established in desirable private families; but in no instance shall such home or shelter be under the same care or management as a poor house or any penal institution.

Powers of children's aid societies.

(3) When in any municipality a Children's Aid Society has been duly organized and has been approved by the Lieutenant-Governor in Council, such Children's Aid Society shall have the supervision and management of any such children in the temporary home or shelter provided by or at the expense of such municipality. This does not apply to any orphan asylum or other children's home mentioned in sub-section 2 of this section of, without the consent of the trustees or governing bodies hereof.

Appointment and duties of children's visiting committees.

11.—(1) For each electoral district within the Province of Ontario there shall be appointed a committee consisting of six persons, not less than three of whom shall be women, who shall be known as the "Children's Visiting Committee" for such electoral district. The said committee shall co-operate with the Children's Aid Societies and shall serve without compensation. They shall have the right at all times to visit any temporary home or shelter in the electoral district, and to suggest from time to time such provisions, changes or additions as they may think desirable. They shall also assist, under the direction and advice of the superintendent, in the careful selection of foster homes for the children in the temporary homes or shelters and in the visitation of children when placed in selected families, and such visitation shall be made for each child at least once in every three months; and the said committee shall have power to remove any child from the family in which it may be placed to a temporary home or to another family at their discretion, subject to any rules or regulations in that

behalf, to be approved by the Lieutenant-Governor in Council. The said committee shall also have the right at any time to visit and inspect any house registered under the Act for the Protection of Infant Children, Rev. Stat. c. 209, and to exercise the powers given by section 9 of said Act.

Who to appoint.

(2) The said children's visiting committee for each electoral district shall be appointed by the county judge, the sheriff and the warden of the county of which such electoral division forms a part, and in the case of a city forming a separate electoral division, by the county judge, the sheriff and the mayor of such city and such committee shall hold office for a period of three years. The member of the Legislative Assembly for each electoral district shall be one of the said visiting committee for such electoral district.

Selection of homes by committees.

(3) The said committee shall, in the selection of homes, endeavour to secure homes where children may be received to be cared for without remuneration, and shall aim at promoting and encouraging a philanthropic sentiment on behalf of neglected, abandoned and destitute children, and adopt such methods as they may think best for securing voluntary subscriptions of money to be devoted to the effective carrying out of the objects of this Act.

Reports to be made by committee.

(4) The said committee shall from time to time report to the superintendent the homes which they select and recommend for the care of children, with full particulars in each case; and shall also annually report to the superintendent as to their visitations and as to each child placed out in their district and as to all other matters coming within their sphere of duty as such committee. They shall also from time to time report to children's aid societies with reference to children placed out by such societies respectively, to the end that such societies may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children.

Expenses of supporting children in homes. Municipalities to contribute.

12.—(1) Towards the necessary expenses of supporting children in temporary homes or in foster homes where such children are not cared for without compensation, until they reach the age of twelve years for girls and fourteen years for boys there shall be paid by the municipality to which they belong not less than one dollar weekly per child. The placing of children with the lowest bidder is hereby prohibited. (Connecticut laws.)

When child deemed to belong to a municipality.

(2) For the purposes of this section any child shall be deemed to belong to the municipality in which such child has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which such child was taken into custody, shall be presumed.

Recovery from municipality liable.

(3) A municipality having made any payment under this section for the maintenance of a child in respect of whom some

other municipality is liable to make such payment, shall be entitled to recover the amount so paid from such other municipality.

Recovery from parents.

(4) Every municipality incurring expenditure hereunder may recover the amount of such expenditure from the parent *of the child* in respect of whom such expenditure may be made. (Maine laws; Industrial Schools Act.)

Order of committal may direct weekly payment.

(5) The order of committal of any child under this Act may direct payment by the parent to the municipality of the said sum of one dollar per week and of such further sum to the Children's Aid Society assuming the control of the child as the judge may deem reasonable and may consider the parent able to pay.

Application for order for maintenance.

(6) At any time after committal of a child the municipality or the Children's Aid Society may apply to the Judge of the Division Court of the division in which the parent resides, according to the form in *the* manner *and with the force and effect* provided by section 22 of The Industrial Schools Act for such order for payment of maintenance or of additional maintenance as the circumstances may justify, and any parent may also make application to the Judge of the Division Court in like manner for an order reducing the amount payable under any order, or revoking such order, or varying or suspending in whole or in part the operation of the same. (Victoria Statutes, 51 Vic.)

When officers of children's aid societies act as constables and apprehend children.

13. Officers of any children's aid society duly approved by the inspector or superintendent may be authorized by boards of police commissioners in cities and towns having such boards and by the mayors and reeves of other municipalities to act as constables for the purpose of enforcing the provisions of this or *The Industrial Schools' Act*, and such officers may apprehend without warrant and bring before the judge as neglected any child apparently under the age of fourteen years who comes within any of the following descriptions, namely:

Rev. Stat. c. 234.

(1) Who is found begging or receiving alms or thieving in any street, thoroughfare, tavern or place of public resort, or sleeping at night in the open air;

(2) Who is found wandering about at late hours and not having any home or settled place of abode, or proper guardianship;

(3) Who is found associating or dwelling with a thief, drunkard or vagrant, or who by reason of the neglect or drunkenness or other vices of the parents is suffered to be growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life;

(4) Who is found in any house of ill-fame, or in company of a reputed prostitute;

(5) Who is found destitute, being an orphan or having a surviving parent who is undergoing imprisonment for crime. (See Industrial Schools Act, Michigan, Minnesota, Wisconsin

and Rhode Island State Public School Laws; Victoria Neglected Children's Act, 1887; Revised Statutes of Maine, 1883, chapter 59; French Code, article No. 21, 240: law for the protection of abused or morally abandoned children, 1889.)

Powers and duty of judge on apprehension of child.

14.—(1) Any child apprehended under the next preceding section of this Act shall be brought before the judge for examination, and it shall thereupon be the duty of the judge to investigate the facts of the case and ascertain whether such child is dependent and neglected, its age, and the name and residence of parents, and the said judge shall have power to compel the attendance of witnesses, and may, in his discretion, request the attendance of the Crown attorney for such examition, and if requested it shall be the duty of the Crown attorney to attend accordingly. The parents or person having the actual custody of such child shall be duly notified of such examination, and any friend may appear in behalf of any child, and in his discretion the judge may request the duly authorized representative of the local children's aid society to appear in behalf of any child; and if on such examination the judge shall find that any child is dependent or neglected within the meaning of the next preceding section or so as to be in a state of habitual vagrancy or mendicity, or ill-treated so as to be in peril of life, health or morality by continued personal injury or by grave misconduct or habitual intemperance of the parents or guardian, he shall enter such finding by a proper order in that behalf, and may order delivery of such child to the children's aid society, and the children's aid society may send such child to their temporary home or shelter to be kept until placed in an approved foster home pursuant to the provisions of this Act. The judge shall deliver to the children's aid society procuring such examination a certified copy of the order made in the case, which shall contain, besides the said finding, a statement of the facts so far as ascertained as to the age of such child, name, nationality and residence, and occupation of parents or either of them, and whether either of them is dead or has abandoned the child, and in the case of the examination of two or more children at the same time only one order need be made.

Committal of children on proof of vicious or immoral conduct.

(2) If, in the opinion of the judge, a child apprehended in pursuance of the provisions of this section has been leading an immoral or depraved life, or is not a fit subject to be dealt with under the next preceding sub-section, the judge may order such child to be committed to any industrial school or refuge for boys or girls or other institution subject to the inspection of the Inspector of Prisons and Asylums or to any suitable charitable society authorized to exercise the powers conferred by the Act respecting Apprentices and Minors, and willing to receive such child to be there kept, cared for and educated for a period not extending beyond the period at which such child shall attain the age of eighteen years, or for any period not

Rev. Stat. c. 142.

exceeding two years, and thereafter to be delivered to the children's aid society for the purpose of being placed in an approved foster home, until such child arrives at the age of eighteen years.

(See Victoria Neglected Children's Law Amendment, 51 Vict. Ontario Act, 51 Vict., cap.40, s. 1. See also other enactments referred to at end of section 13.)

Duties of children's aid societies as guardians.

15.—(1) The children's aid society to the care of which any child may be committed under the provisions of this Act, shall, subject to the provisions of sections 17 and 18 of this Act, be the legal guardian of such child, and it shall be the duty of such society to use special diligence in providing suitable homes for such children as may in the said manner be committed to their care; and such society is hereby authorized to place such children in such families on a written contract during minority, or until 18 years of age, in the discretion of such society, providing for their education in the public schools (or in the case of Roman Catholic children in the separate schools) where they may reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for payment on the termination of such contract to the said society for the use of the child of any sum of money that may be provided for in said instrument. All such contracts shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when in the opinion of the society placing out such child the welfare of the child requires it. (Cf., Michigan, Wisconsin, Minnesota and Rhode Island laws.)

Powers as to guardianship.

(2) The children's aid society to which any child shall be committed may at any time during the period of their control or guardianship of such child exercise all the powers conferred by sections 2 and 6 of the *Act respecting Apprentices and Minors* upon the charitable societies therein mentioned.

Rev. Stat. c. 142.

(Industrial School Act, sec. 20)

Medical examination of child before committal.

16. Whenever on the examination provided for by section 14 the judge shall determine that the child is dependent and neglected within the meaning of this Act, he shall cause it to be examined by a respectable practising physician and shall in no case order the delivery of the child to the society unless the physician making such examination shall certify in writing filed in court that the child examined by him is, in his opinion, of sound mind and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the judge; and a copy of such certificate shall be attached to the other papers required by this Act to accompany such child to any shelter or temporary home. (Michigan, Wisconsin, Rhode Island and Minnesota state school laws)

Term of guardianship.

17.—(1) Where a child is maintained by any children's aid society, or in any foster home, having been placed out by

proper authority in that behalf, and such child was deserted by its parents, the children's aid society may at any time resolve that such child shall be under the control of such society until it reaches the age of twenty-one years or such earlier age as may be thought sufficient, and thereupon until the child reaches that age all the powers and rights of such parent in respect of that child shall, subject as in this Act mentioned, vest in the the said society ;

Proviso.

Provided that such society may rescind such resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit such child to be either permanently or temporarily under the control of such parent, or of any other relative or of any friend.

Order for return of child to parent.

(2) A judge, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the society, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may make an order accordingly, and any such order shall be complied with by the society, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent as respects such child.

What to be deemed maintenance by children's aid societies.

(3) For the purposes of this Act a child shall be deemed to be maintained by a children's aid society if it is wholly or partly maintained by them, either in any shelter or temporary home or other institution conducted by such society, or is boarded out under the provisions of this or any other Act in that behalf.

Imprisonment of parent to be deemed desertion.

(4) Where a parent is imprisoned on a criminal charge, or in respect of an offence committed against a child, this section shall apply as if such child had been deserted by that parent.

Persons not relieved from liability for maintenance.

(5) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive any society of any of the powers and rights conferred on them by this section. (Imperial Act, 52 and 53 Vic., cap. 56.)

When court may refuse writ for production of child.

18.—(1) Where the parent of a child applies to any court having jurisdiction in that behalf, for a writ or order for the production of the child, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may, in its discretion, decline to issue the writ or make the order.

Liability of parent on return of child.

(2) If at the time of the application for a writ or order for the production of the child, the child is being brought up by

another person, or is boarded out by a children's aid society duly authorized in that behalf, the court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person or such society the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the court to be just and reasonable, having regard to all the circumstances of the case.

When parent must show fitness to exercise parental duties.

(3) When a parent has—

(*a*) Abandoned or deserted his child ; or

(*b*) Allowed his child to be brought up by another person at that person's expense, or by any children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties ;

the court shall not make an order for the delivery of the child to the parent unless the parent has satisfied the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

Order as to religious training of child.

(4) Upon any application by the parent for the production or custody of a child, if the court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this section contained shall interfere with or affect the power of the court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice. (Imperial Act, 54 Vict., Cap. 3.)

Societies for persons having custody of children to be liable to inspection.

19. Every society or person to whose care any child may be committed under the provisions of this Act, and every person entrusted with the care of any such child by any such person or institution shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the superintendent or any of the members of the local children's visiting committee, or any person authorized by or under regulations approved by Order of the Lieutenant-Governor in Council for the time being in force in that behalf. (Victoria, Neglected Children's Act, 1887).

Protestant children not to be committed to Roman Catholic home and *vice versa*.

20. Notwithstanding anything in this Act contained, no Protestant child shall be committed to the care of any Roman Catholic children's aid society, nor shall any Roman Catholic child be committed to a Protestant children's

aid society, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall any Roman Catholic child be placed out in any Protestant family as its foster home. This section does not apply to the care of children in a temporary home or shelter, as in this Act provided, in a municipality in which there is but one Children's Aid Society. (See Victoria statute 1888, sec. 67.)

Right of ministers of religion to visit children in homes and shelters.

21. Subject to such regulations as may be hereafter provided and approved of as aforesaid, all ministers of religion or any person being duly authorized by the recognized head of any religious denomination, shall have admission to every temporary home or shelter and access to such of the children placed or detained therein as may belong to their respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such children of their respective denominations. (Victoria, 1888, sec. 43.)

Visitors, who may be.

22. All members of the Parliament of Canada and of the Legislative Assembly of Ontario, *all heads of municipal councils*, and all judges and justices of the peace shall be entitled to visit every temporary home or shelter, and shall have admission to the same accordingly.

Powers of visitors.

23. Every person entitled to visit any such temporary home or shelter as aforesaid, and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such temporary home or shelter by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such temporary home or shelter, and the superintendent, matron, teachers, officers or servants, or the children placed or detained therein, or any of them, and such book shall be produced to the inspector or superintendent whenever he visits such temporary home or shelter. (Victoria, 1888, sec. 45.)

Trial of children for offences against Provincial laws.

24. Whenever a complaint is made or pending against any boy under the age of *12* years or girl under the age of *13* years for the commission of any offence against the laws of this Province, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once and before any proceedings are had in the case to give notice in writing to the executive officer of the children's aid society, if there be one in the county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the officer may proceed to enquire into and make full examination *as to* the parentage and surroundings of the child and of all the facts and circumstances of the case and report the same to the court or magistrate, who may advise and counsel with the

said officer of the said society; and if upon consultation after full investigation and proof of the offence charged it shall appear to the court that the public interest and the interest of the child will be best subserved thereby, an order may be made for the return of such child to his or her parents, guardian or friends, or the court may authorize the said officer to take such child and bind him or her out to some suitable person until he or she shall have attained the age of 21 years, or for any less time, or impose a fine, or suspend sentence for a definite or indefinite period, or if the child be found guilty of the offence charged, or be wilfully wayward and unmanageable, the court may cause him or her to be sent to an industrial school or to the provincial reformatory for boys or to the refuge for girls, as the case may be, and in such cases the report of the officers of the society shall be attached to the warrant of commitment.

Presumption of age of child.

25. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under any specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

Right of inflicting punishment not affected.

26. Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child *as if this Act had not been passed.*

Prosecutions when offence is a contravention of other provisions.

27. Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted and punished either under this Act, or under the other Act, or at common law, so that no person be punished twice for the same offence.

Adoption of or apprenticing children on conviction.

28. Any court or magistrate in lieu of committing to prison any child under the age of 14 years convicted before him of any offence against the laws of this Province may hand over such child to the charge of any home for destitute and neglected children or industrial school or children's aid society and the managers of such home or school or society may permit its adoption by a suitable person, and may apprentice it to any suitable trade, calling or service, and the transfer shall be as valid as if the managers were parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister. (New South Wales, 1892.)

Children not to be committed to gaols.

29. No child under 16 years of age held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners. It shall be the duty of the officer

in charge of such place of confinement to secure, as far as the construction of such place will admit, the exclusion of such children from the society of such adult prisoners during their confinement. (Michigan laws.)

Custody of children pending trial.

30.—(1) In cities and towns with a population of more than ten thousand, children under the age of 16 years who are charged with offences against the laws of this Province or who are brought before a judge for examination under any of the provisions of this Act shall not before trial or examination be confined in the lock-ups or police cells used for ordinary criminals or persons charged with crime, nor, save as hereinafter mentioned, shall such children be tried or have their cases disposed of in the police court rooms ordinarily used as such. It shall be the duty of such municipalities to make separate provision for the custody and detention of such children prior to their trial or examination, whether by arrangement with some member of the police force or other person who may be willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells; and it shall be the duty of the judge to try all such children or examine into their cases and dispose thereof, where practicable, in premises other than the ordinary police court premises, or, where this is not practicable, in the private office of the judge, if he have one, or in some other room in the municipal buildings, or, if this be not practicable, then in the ordinary police court room, but only in such last mentioned case when an interval of *two hours* shall have elapsed after the other trials or examinations for the day have been disposed of.

Place of trial.

Confinement of children and trial on premises of children's aid society.

(2) Where any children's aid society possesses premises affording the necessary facilities and accommodation, children, apparently under the age of twelve years, may, after apprehension under the provisions of this Act, be temporarily taken charge of by such society until their cases are disposed of; and the judge may hold the examination into the case of such children in the premises of the said society.

Preliminary examination into charge of cruelty may be held in house.

(3) The judge may, if he thinks fit, hold the preliminary examination or the trial of any case against any parent for alleged cruelty to a child in the house where the parent resides, but only at the request of such parent.

Private trial of children.

(4) The judge shall exclude from the room or place where any child under 16 years of age, or any parent charged with cruelty to his child is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent.

By-laws to prevent children being on the streets after nightfall.

31.—(1) Municipal councils in cities, towns, and incorporated villages shall have power to pass by-laws for the regulation of the time after which children shall not be in the streets at nightfall without proper guardianship and the age or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed, and such municipal council shall in such case cause a bell or bells to be rung at or near the time appointed as a warning, to be called the "curfew bell," after which the children so required to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause.

Children after warning may be taken home.

(2) Any child so found after the time appointed shall be liable to be warned by any constable or peace officer to go home, and if after such warning the child shall be found loitering on the streets such child may be taken by such constable to its home.

Summoning parents, etc., permitting children to break the law.

(3) Any parent or guardian may be summoned for permitting his child to habitually break said by-law after having been warned in writing, and may be fined for the first offence $1, without costs, and for the second offence $2, and for a third, or any subsequent offence, $5.

No. 71.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act for the Prevention of Cruelty to, and better Protection of Children.

First Reading, 10th April, 1893.
Second " 25th " 1893.

Reprinted as amended by Committee of the Whole House).

Mr. GIBSON,
(*Hamilton.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 72.] BILL. [1892.

An Act to further facilitate the enforcement of the just rights of Wage-Earners and Sub-contractors.

Preamble.

WHEREAS it is just and reasonable that the wages of wage-earners for the thirty days provided by *The Mechanics' Lien Act* should have priority over all other claims not having a superior equity, and should be easily recoverable and promptly paid; and whereas some further provisions of law are found requisite for these purposes, and for the reasonable security also of persons furnishing in good faith materials as in *The Mechanics' Lien Act* mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Devices to defeat priority of wages to be void.

1. Every device by any owner or contractor which shall be adopted in order to defeat the priority of wage-earners for their wages under the several Acts relating to mechanics' liens shall, as respects such wage-earners, be null and void.

Effect of payments on account made by owner to persons referred to in Rev. Stat. c. 126, s. 4.

2. In case an owner chooses to make payments to the mechanics, labourers, or other persons referred to in the 4th section of the revised *Mechanics' Lien Act*, for or on account of just debts due to them for work done or materials or machinery placed or furnished as therein mentioned, without the proceedings mentioned in sections 11 to 14 of the said Act, and shall within three days afterwards give by letter or otherwise, written notice of such payment to the contractor or his agent, such payment shall, as between the owner and the contractor, be deemed to be a payment to the contractor on the contract generally, but not so as to affect the percentage to be retained by the owner as provided by the sections 7, 8 and 9 of the said *Mechanics' Lien Act* as amended by the Act passed in the 53rd year of Her Majesty's reign, intituled *An Act to amend The Mechanics' Lien Act.*

Rev. Stat. c. 126.

53 V. c. 38.

Production and verification of pay list by contractor before receiving payments on contract.

3.—(1) Before a contractor shall be entitled to receive a payment on his contract, it shall be his duty to produce to and leave with the owner, his pay list or a duplicate of his pay list, containing the receipts of the persons mentioned for the wages due to them up to and including the day before the intended payment, and an affidavit or statutory declaration by the contractor, (or in his absence by his agent competent from personal knowledge to speak to the facts), verifying such pay list and receipts, and stating that the said pay list names all persons employed on the work, and that all persons who up to that time have

been employed on the work and entitled to wages, have been paid in full ; and an affidavit or a statutory declaration to the same effect by the architect or superintendant of the work, (if any), unless he has made the like affidavit or statutory declaration under the provision aforesaid as to an agent. The said affidavits or statutory declarations may be to the effect set forth in the schedule to this Act, and marked A.

Pay list to be conclusive.

(2) The said pay list so receipted and the said affidavits shall be conclusive evidence in favour of the owner making the payment unless at or before making the payments he had actual and express notice of any fraud on the part of the contractor in obtaining the signatures and receipts of the persons named in the pay list or others.

Payments made without receiving pay list and proofs.

(3) Any payment made on the contract without having received such receipted pay list and affidavits, or with actual and express notice of unpaid wages, shall not be a valid payment as against persons whose wages are unpaid at the time of the payment on the contract.

Lien for wages under Rev: Stat. c. 126, and 53 V. c. 38, not affected by attachment subsequent to contract.

4. The lien of wage-earners for thirty days' wages, or for a balance equal to thirty days' wages, provided for by section 9 of *The Mechanics' Lien Act*, as amended by section 2 of the said Act intituled *An Act to amend the Mechanics' Lien Act*, shall not be defeated or impaired by any attachment issued subsequently to the contract, or by any garnishment subsequently had, or by any execution subsequently issued, or by reason of the work contracted for being unfinished, or of the price for that or any other reason not being payable to the contractor.

How percentage calculated when work unfinished.

5. In case of the contract not having been completely ful filled when the lien is claimed by wage-earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor.

Mortgages to secure future advances not to have priority over wages if mortgagee has notice.

Rev. Stat. c. 126.

6. Where a mortgage is given to secure an intended loan of money which is to be made thereafter according or with reference to the progress of work done, or materials or machinery placed or furnished as aforesaid, on the land mortgaged, no advance thereafter made by the mortgagee shall have priority over the claims of mechanics, labourers, or other persons referred to in section 4 of *The Mechanics' Lien Act* as aforesaid if the mortgagee at or before the time of such advance has actual and express notice that there are any such claims as aforesaid unpaid ; nor unless at the time of the advance he shall require and receive from the mortgagor an affidavit or statutory declaration stating that all such persons as aforesaid have been paid in full up to the time of the advance ; and an affidavit or a statutory declaration by the architect or superintendent of the work, (if any), speaking to the best

of his knowledge and belief to the same effect. The said affidavits or statutory declarations may be to the effect set forth in the schedule to this Act, marked "B."

Purchaser or mortgagee of unfinished building to require proof that wages, etc., are paid.

7. In case of the sale or mortgage of an unfinished house or building, with or without the land on which the same stands, if its being an unfinished house or building is such as to be apparent to an ordinary observer, the purchaser, before paying his purchase money, or giving a mortgage or other value or security for any balance of such purchase money, or the mortgagee before advancing any money on the security of a mortgage or otherwise, shall require from the vendor (in the case of a sale) or from the mortgagor (in the case of a mortgage) similar affidavits or statutory declarations of the payment of all claims as are provided for in section 6 of this Act; and the purchaser or mortgagee shall not be entitled to priority in respect of such claims, if at or before the time aforesaid he had actual and express notice that there were such claims as aforesaid unpaid; nor unless he shall have received such affidavits and statutory declarations aforesaid.

Priority of mortgages made before work executed.

8. Where in the case of a prior mortgage or other charge, the selling value of the land is increased by the construction, alteration, or repairs of the building, or by the erection or placing of the materials or machinery on the said land, the said prior mortgage or other charge shall retain its priority to the extent of the value or amount for which such prior mortgage or other charge is a security before such construction, alteration or repairs of such building, or before the placing of such materials or machinery on the said land; and the lien given by the said Acts shall be entitled to rank upon the increased value given to such land by the said improvements in priority to such mortgage or other charge (see R.S.O. c. 126, s. 5, sub-sec. 3, and *Kennedy* v. *Haddon*, 19 Ont., R. 240; *Richards* v. *Chamberlain*, 25 Grant 402, and *West* v. *Sinclair*, 28 Canada Law Jour. 119.)

Rights of mortgagee upon proceedings to enforce liens arising under Rev. Stat. c. 126.

9. Where any proceeding is taken to enforce a lien under the *Mechanics' Lien Acts*, in case a mortgagee of the land is served with a written notice of such proceeding being had, he shall thereafter be entitled to attend the proceedings; and in such case he shall not, without the leave hereafter mentioned, take any proceeding for sale or foreclosure, nor proceed to exercise any power of sale until the proceedings to enforce the lien have terminated; but he may without leave serve any notices required to be served in order to the due exercise of the power. The leave aforesaid may be granted by the county judge, master or official referee, before whom the lien proceedings are pending, and shall only be granted by consent, or (if without consent) on a reasonable consideration of all the circumstances in view of what would be just to both parties.

Claims for wages may be prosecuted in division courts.

10. Every claim for wages not exceeding 30 days' wages, or for a balance equal thereto, may be prosecuted in the proper Division Court within the limits of which the land charged is situate, though the amount claimed or aggregate amounts claimed may be beyond the ordinary jurisdiction of division courts; and in such case the several proceedings may be either those provided by *The Mechanics' Lien Act*, or as nearly as may be those provided by the *Act to simplify the procedure for enforcing Mechanics' Liens* as the claimants shall choose or the Judge direct; or the said proceedings may be varied by the order or authority of such judge in any way that may conduce to expedition, simplicity or convenience in the case before him.

Rev, Stat. c. 126.
53 V. c. 37.

Consolidation of actions.

11.—(1) Where there are actions in the High Court under said Acts or this Act, and also in a County Court or County Courts, or Division Courts or any of these, a judge of the High Court may consolidate the actions, and give all such directions with respect to the proceedings after consolidation as may be convenient, and as to costs.

(2) A Judge of the High Court shall have like jurisdiction where such actions are brought in two or more county courts, or in a county court of one county, and one or more division courts in another county.

(3) Where there are such actions in two or more Division Courts of any county, or in the County Court of a county and in a Division Court or Division Courts of the same county, the County Court judge, or a judge lawfully acting for him, shall in such cases have the like jurisdiction with respect to consolidation as a High Court Judge has under the preceding snb-sections in cases to which those snb-sections apply.

Entering judgment for sale by consent.

12. A judgment for sale of the land may be issued by the master, or official referee. or judge of the county (as the case may be) at any time, upon consent thereto in writing by the parties or their solicitors being filed in the court in which the proceedings are pending; and in such case the taking of the accounts may be deferred, if the judge or master sees fit, until after the sale has taken place; and in such cases the procedure prescribed shall be modified accordingly.

Fees of master or official referee.

13. Where in an action in the High Court the amount of the claim of the plaintiff, or of the aggregate claims of the plaintiff and other lien holders (if any) for whose benefit the proceedings are brought, is less than four hundred dollars, the fees payable to the master or official referee shall be according to the lower scale tariff of the High Court, but the said fees shall not in any one claim exceed the sum of two dollars.

Injunctions.

14. Where an injunction order is granted under any of the Mechanics Lien Acts, the injunction order shall be taken to be

made upon an undertaking on the part of the applicant that he will abide by an order which the court or judge thereof, master or official referee (as the case may be) shall see fit to make as to damages in case the judge, master or official referee should thereafter be of opinion that any person affected by the order had by reason of the order sustained any damage which the applicant ought to pay; and it shall not be necessary to express such undertaking in the order.

Powers of judges as to practice and proceedure-appeals.

15. The High Court and its judges, the County Court, and the Division Courts respectively, and the officers of all the said courts and of the Supreme Court shall have the same jurisdiction under the Mechanics' Lien Acts in regard to practice and procedure generally (including the adding of parties) as the said courts, judges and officers respectively have in matters under their ordinary jurisdiction; and orders, reports, certificates and decisions under the said Acts shall be appealable as under the ordinary jurisdiction of such courts, judges and officers respectively, except where under any of the Acts relating to Mechanics' Liens some other provision is made in that behalf.

Fees payable in stamps not to be required of mechanics, etc.

16. No fees payable in stamps shall be required to be paid by labourers or mechanics or others in respect of their claims for wages under the Mechanics' Lien Acts.

Preceding provisions incorporated with Mechanics' Lien Acts.

17. The preceding sections of this Act shall be read as part of the said Acts hereinbefore mentioned, subject to the provisions of this Act.

Jurisdiction of city police magistrate under Rev. Stat. c. 139, extended.

18. In the case of wages due to any mechanic, labourer or other person in respect of work referred to in the 4th section of *The Mechanics' Lien Act*, the jurisdiction of a police magistrate in a city under the *Act respecting Master and Servant* shall extend to wages for 30 days or for a balance equal to the wages for 30 days, though the same or the balance thereof exceed the sum of $40 in the said section mentioned. (R.S.O., c. 139.).

Power of city police magistrate where no specific wages agreed upon.

19. Where no specific rate of wages has been expressly agreed to between the parties, the city police magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to the current rate of wages in the city in like cases, or according to what may appear to be a just and reasonable allowance.

Orders of city police magistrates, how enforced.

20. Any order of a city police magistrate for the payment of such wages as aforesaid shall be payable forthwith, and a warrant of distress shall be issued accordingly, unless the master makes oath, and the police magistrate believes, that the master is unable to make the payment forthwith, and expects

to be able to pay and intends to pay the same within the time given, and unless also the police magistrate considers the proposed delay to be under all the circumstances reasonable. The magistrate if he sees fit may order security to be given as a condition of delay.

(2) In case of an adjournment at the instance of the master, the adjournment shall be on payment then and there for the claimant's time in attending the court (the amount to be fixed by the police magistrate), unless the magistrate sees reason for dispensing with such immediate payment.

Appeals from orders under Rev. Stat. c. 139.

21. In cases under the *Act respecting Master and Servant* for the recovery of any such wages as in this Act mentioned, the orders of a police magistrate shall be subject to appeal as the orders of a Division Court judge would be in like cases.

Entering police magistrate's order as a division court judgment.

22. The order of the police magistrate for payment may be filed in the Division Court, which would be the proper court for bringing an action for the wages, and on such filing the order shall thereby become a judgment of the said Division Court and may be treated in all respects and enforced as a judgment of the said court.

SCHEDULE A.

(*Section 3.*)

FORM. 1.

AFFIDAVIT VERIFYING PAY LIST.

I, *A.B.*, contractor *or* sub-contractor (*as the case may be*) for certain work on the land of which may be known and described as follows (*here describe lands briefly*), make oath and say (*or* do solemnly declare) :—

That the annexed pay list contains the receipts of the persons therein mentioned for the wages due to them and that the same is true and correct, and that the said pay list includes all persons having had claims for wages against me up to this day for or in respect of the said work. I further say that I have paid all wages earned in respect to or on the said work up to this day.

Sworn (*or* declared) etc.

FORM 2.

AFFIDAVIT BY AGENT VERIFYING PAY LIST.

I, *A.B.*, agent for *C.D.*, contractor *or* sub-contractor (*as the case may be*) in respect of certain work on the land of which may be known and described as follows (*here describe land briefly*), make oath and say (*or* do solemnly declare) :—

I know of my own personal knowledge that the annexed pay list contains the receipts of the person therein mentioned for the wages therein mentioned, and that the said pay list includes all persons having claims for wages against the said contractor (*or* sub-contractor) up to this day in respect of said work, and that all wages earned in respect to or on the said work up to this day have been paid.

Sworn (*or* declared) etc.

FORM 3.

AFFIDAVIT BY ARCHITECT OR SUPERINTENDENT.

I, *A.B.*, (architect *or* superintendent *as the case may be*,) of , make oath and say (*or* do solemnly declare) :—

I know of my own personal knowledge that the annexed pay list contains the receipts of the persons therein mentioned for the wages therein mentioned, and that the said pay list includes all persons having claims for wages in respect of certain work on the land of which may be known and described as follows (*describe land briefly*) :— I further say I believe that all wages earned in respect to or on the said work up to this day have been paid.

Sworn (*or* declared) etc.

SCHEDULE B.

(*Section 5.*)

FORM 1.

I, *A.B.*, the mortgagor named in a certain mortgage, bearing date the day of made between myself of the first part and *C.D.* as mortgagee, and registered in the registry office for the of as No. make oath and say (*or* do solemnly declare) :—

That all claims of mechanics, labourers or other persons referred to in the 4th section of the *Mechanics' Lien Act*, with reference to work done or materials or machinery placed or furnished on the land included in the said mortgage, have been paid in full. I further say that all wages earned in respect to or on the said work up to this day have been paid.

Sworn (*or* declared) etc.

FORM 2.

I *A.B.*, (architect *or* superintendent *as the case may be*) make oath and say, (*or* do solemnly declare) :—

That to the best of my knowledge and belief the claims of all mechanics, labourers, or other persons referred to in the 4th section of the *Mechanics' Lien Act*, with reference to work done or materials or machinery placed or furnished on the land included in a certain mortgage, bearing date the day of and made between (*the mortgagor*) and (*the mortgagee*), have been paid in full. I further say I believe that all wages earned in respect to or on the said work up to this day have been paid.

Sworn (*or* declared) etc.

No. 72.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to further facilitate the enforcement of the just rights of Wage-Earners and Sub-contractors.

First Reading, 10th April, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printed to the Queen's Most Excellent Majesty.

No. 72.] **BILL.** [1892.

An Act to further facilitate the enforcement of the just rights of Wage-Earners and Sub-contractors.

Preamble.

WHEREAS it is just and reasonable that the wages of wage-earners for the thirty days provided by *The Mechanics' Lien Act* should have priority over all other claims not having a superior equity, and should be easily recoverable and promptly paid; and whereas some further provisions of law are found requisite for these purposes, and for the reasonable security also of persons furnishing in good faith materials as in *The Mechanics' Lien Act* mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Devices to defeat priority of wages to be void.

1. Every device by any owner or contractor which shall be adopted in order to defeat the priority of wage-earners for their wages under the several Acts relating to mechanics' liens shall, as respects such wage-earners, be null and void.

Effect of payments on account made by owner to persons referred to in Rev. Stat. c. 126, s. 4.

2. In case an owner chooses to make payments to the mechanics, labourers, or other persons referred to in the 4th section of the revised *Mechanics' Lien Act*, for or on account of just debts due to them for work done or materials or machinery placed or furnished as therein mentioned, without the proceedings mentioned in sections 11 to 14 of the said Act, and shall within three days afterwards give by letter or otherwise, written notice of such payment to the contractor or his agent, such payment shall, as between the owner and the contractor, be deemed to be a payment to the contractor on the contract generally, but not so as to affect the percentage to be retained by the owner as provided by the sections 7, 8 and 9 of the said *Mechanics' Lien Act* as amended by the Act passed in the 53rd year of Her Majesty's reign, intituled *An Act to amend The Mechanics' Lien Act.*

Rev. Stat. c. 126.

53 V. c. 38.

Production of proof of payment of wages before contractor receives payments on contract.

3—(1) Before a contractor *for any work in a city* shall be entitled to receive a payment on his contract, it shall be his duty to produce to and leave with the owner, an affidavit or *a* statutory declaration by the contractor, (or by his agent competent from personal knowledge to speak to the facts), stating *that* all persons *who up to that time have* been employed on the work and entitled to wages, have been paid in full; ☞up and to and inclusive of the 14th day previous to such payment being made by the owner to the contractor.☜The

said affidavit or statutory declaration may be to the effect set forth in the schedule to this Act, and marked A.

Deduction by owner where wages unpaid.

(2) Or if it is admitted or otherwise appears that any wages are unpaid, the contractor shall not be entitled to receive the amount otherwise payable to him, without there being deducted therefrom an amount sufficient to cover what is so unpaid to such wage-earners.

Affidavit or declaration to be conclusive.

(3) The said affidavit *or statutory declaration* shall be conclusive evidence in favour of the owner making the payment unless at or before making the payment he had actual and express notice of *the same not being true.*

Payments made without receiving proof of payment of wages.

(4) Any payment made on the contract without having received such affidavit, *or statutory declaration,* or with actual and express notice of unpaid wages, shall not be a valid payment as against persons whose wages are unpaid at the time of the payment on the contract.

When proof not required.

(5) The affidavit or statutory declaration aforesaid shall not be necessary where the architect's estimate for the month, in case the contract provides for such estimate, does not exceed $100, or where the payment made in good faith in respect of the progress of the work for the month (in case the contract does not provide for estimates) does not exeeed $100.

Lien for wages under Rev. Stat. c. 126, and 53 V. c. 38, not affected by attachment subsequent to contract.

4. The lien of wage-earners for thirty days' wages, or for a balance equal to thirty days' wages, provided for by section 9 of *The Mechanics' Lien Act*, as amended by section 2 of the said Act intituled *An Act to amend the Mechanics' Lien Act*, shall not be defeated or impaired by any attachment issued subsequently to the contract, or by any garnishment subsequently had, or by any execution subsequently issued, or by reason of the work contracted for being unfinished, or of the price for that or any other reason not being payable to the contractor.

Rights of claimants to liens when work unfinished.

5.—(1) In case of the contract not having been completely fulfilled when the lien is claimed by wage-earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor.

(2) Every wage-earner shall be entitled to enforce a lien in respect of an unfinished building to the same extent as if the building were finished.

(3) The percentage as aforesaid shall not as against wage-earners under the said Acts or this Act be applied to the completion of the work by the owner whether the contractor makes default in completing the same, nor to the payment of damages for the non-completion thereof by the contractor

Mortgages to secure future advances not to have priority over wages if mortgagee has notice.

Rev. Stat. c. 126

6. Where a mortgage is given to secure an intended loan of money which is to be made thereafter according or with reference to the progress of work done, or materials or machinery placed or furnished as aforesaid, on the land mortgaged, *the same being land situated in a city*, no advance thereafter made by the mortgagee shall have priority over the claims of mechanics, labourers, or other persons referred to in section 4 of *The Mechanics' Lien Act* as aforesaid if the mortgagee at or before the time of such advance has actual and express notice that there are any such claims as aforesaid unpaid; nor unless at the time of the advance he shall require and receive from the mortgagor an affidavit or statutory declaration *by himself or his contractor*, stating that all such persons as aforesaid have been paid in full up to the time of the advance. The said affidavit or statutory declaration may be to the effect set forth in the schedule to this Act, marked "B."

Purchaser or mortgagee of unfinished building to require proof that wages, etc., are paid.

7. In case of the sale or mortgage of an unfinished house or building *in any city*, with or without the land on which the same stands, if its being an unfinished house or building is such as to be apparent to an ordinary observer, the purchaser, before paying his purchase money, or giving a mortgage or other value or security for any balance of such purchase money, or the mortgagee before advancing any money on the security of a mortgage or otherwise, shall require from the vendor (in the case of a sale) or from the mortgagor (in the case of a mortgage) a similar affidavit or statutory declaration of the payment of all claims as are provided for in section 6 of this Act; and the purchaser or mortgagee shall not be entitled to priority in respect of such claims, if at or before the time aforesaid he had actual and express notice that there were such claims as aforesaid unpaid; nor unless he shall have received such affidavit and statutory declaration aforesaid.

Where agreement to purchase lands made by consideration has not been paid.

☞ **8.** In case of an agreement for the purchase of land, and the purchase money or part thereof being unpaid, and no conveyance made to the purchaser, the purchaser shall for the purpose of this Act, and within the meaning thereof be deemed a mortgagor and the seller a mortgagee. ☜

Rights of mortgagee upon proceedings to enforce liens arising under Rev. Stat. c. 126.

9. Where any proceeding is taken to enforce a lien under the *Mechanics' Lien Acts*, in case a mortgagee of the land, *the same being situated in any city*, is served with a written notice of such proceeding being had, he shall thereafter be entitled to attend the proceedings; and in case *of being so served* he shall not *thereafter*, without the leave hereafter mentioned, take any proceeding for sale or foreclosure, nor proceed to exercise any power of sale until the proceedings to enforce the lien have terminated; but he may without leave serve any notices required to be served in order to the due exercise of the power. The leave aforesaid may be granted by the

county judge, master or official referee, before whom the lien proceedings are pending, and shall only be granted by consent, or (if without consent) on a reasonable consideration of all the circumstances in view of what would be just to both parties.

Claims for wages may be prosecuted in division courts or county courts.

10. Every claim for wages not exceeding 30 days' wages, or for a balance equal thereto, may be prosecuted in the proper Division Court within the limits of which the land charged is situate, though the amount claimed or aggregate amounts claimed may be beyond the ordinary jurisdiction of division courts; or may be prosecuted in the county court of the county in which the land charged is situate, though the amount claimed, or the aggregate amounts claimed may be beyond the jurisdiction of county courts, and in either of such cases the several proceedings may be either those provided by *The Mechanics' Lien Act*, or as nearly as may be those provided by the *Act to simplify the procedure for enforcing Mechanics' Liens* as the claimants shall choose or the Judge direct; or the said proceedings may be varied by the order or authority of such judge in any way that may conduce to expedition, simplicity or convenience in the case before him.

Rev, Stat. c. 126.
53 V. c. 37.

Service of papers.

11. Every claim of lien shall give an address at which all notices and papers may be served, and service of any notice or paper may be effected by sending the same by registered letter post to the address so given.

Consolidation of actions.

12.—(1) Where there are actions in the High Court under said Acts or this Act, and also in a County Court or County Courts, or Division Courts or any of these, a judge of the High Court may consolidate the actions, and give all such directions with respect to the *court in which* proceedings after consolidation are to be carried on as well as to the proceedings generally as may be convenient, and as to costs, and shall name the court in which the proceedings after consolidation are to be carried on.

(2) A Judge of the High Court shall have like jurisdiction where such actions are brought in two or more county courts, or in a county court of one county, and one or more division courts in another county.

(3) Where there are such actions in two or more Division Courts of any county, or in the County Court of a county and in a Division Court or Division Courts of the same county, the County Court judge, or a judge lawfully acting for him, shall in such cases have the like jurisdiction with respect to consolidation as a High Court Judge has under the preceding sub-sections in cases to which those sub-sections apply.

13. A judgment for sale of the land may be issued by the master, or official referee. or judge of the county (as the case may be) at any time, upon consent thereto in writing by the parties or their solicitors being filed in the court in which the proceedings are pending; and in such case the taking of the accounts may be deferred, if the judge or master sees fit, until after the sale has taken place; and in such cases the procedure prescribed shall be modified accordingly. Entering judgment for sale by consent.

14. In actions in the High Court *to enforce a lien for wages*, the fees payable to the master or official referee *on claims for wages* shall be according to the lower scale tariff of the High Court, but the said fees shall not in *the case of* any one claim exceed the sum of two dollars. Fees of master or official referee.

15. In case the least expensive course is not taken by a plaintiff under this Act or the other Mechanics' Lien Acts, the costs allowed to the solicitor shall in no case exceed what would have been incurred if the least expensive course had been taken. Costs unnecessarily incurred.

16. Where an injunction order is granted under any of the Mechanics Lien Acts, the injunction order shall be taken to be made upon an undertaking on the part of the applicant that he will abide by an order which the court or judge thereof, master or official referee (as the case may be) shall see fit to make as to damages in case the judge, master or official referee should thereafter be of opinion that any person affected by the order had by reason of the order sustained any damage which the applicant ought to pay; and it shall not be necessary to express such undertaking in the order. Injunctions.

17. The High Court and its judges, the County Court, and the Division Courts respectively, and the officers of all the said courts and of the Supreme Court shall have the same jurisdiction under the Mechanics' Lien Acts in regard to practice and procedure generally (including the adding of parties) and in regard to the limitation of time contained in sections 6, 7 and 10 of the *Act to simplify the procedure for enforcing Mechanics' Liens*, as the said courts, judges and officers respectively have in matters under their ordinary jurisdiction; and orders, reports, certificates and decisions under the said Acts shall be appealable as under the ordinary jurisdiction of such courts, judges and officers respectively, except where under any of the Acts relating to Mechanics' Liens some other provision is made in that behalf. Powers of judges as to practice and proceedure-appeals. 53 V. c. 37.

18. No fees payable in stamps *on proceedings in courts* shall be required to be paid by labourers, mechanics or others in respect of their claims for wages under the Mechanics' Lien Acts. Fees payable in stamps not to be required of mechanics, etc.

Lien to expire at end of six months unless renewed.

☞**19.** The registration of a mechanics' lien heretofore made shall cease to have any effect at the expiration of six months from the passing of this Act, unless the lien shall be again registered within the said time, and the registration of a lien, hereafter made, shall cease to have any effect at the expiration of six months from the registration thereof, unless the lien shall be again registered within the said period, except, in the meantime, proceedings have been instituted to realise the claim, and a certificate thereof has been duly registered in the proper registry or land titles office.☜

Preceding provisions incorporated with Mechanics' Lien Acts.

20. The preceding sections of this Act shall be read as part of the said Acts hereinbefore mentioned, subject to the provisions of this Act.

Jurisdiction of city police magistrate under Rev. Stat. c. 139, extended.

21. In the case of wages due to any mechanic, labourer or other person in respect of work referred to in the 4th section of *The Mechanics' Lien Act*, the jurisdiction of a police magistrate in a city under the *Act respecting Master and Servant* shall extend to wages for 30 days or for a balance equal to the wages for 30 days, though the same or the balance thereof exceed the sum of $40 in the said section mentioned. (R.S.O., c. 139.)

Power of city police magistrate where no specific wages agreed upon.

22.—(1) Where no specific rate of wages has been expressly agreed to between the parties, the city police magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to the current rate of wages in the city in like cases, or according to what may appear to be a just and reasonable allowance.

☞(2) In case of the master or employer claiming a set-off, the police magistrate shall investigate the set-off and give judgment for the balance if any due to the claimant of wages after deducting such set-off. The police magistrate shall not have jurisdiction to adjudicate upon a claim of set-off exceeding the claim for wages, except to the extent of the wages.☜

Orders of city police magistrates, how enforced.

23. Any order of a city police magistrate for the payment of such wages as aforesaid shall be payable forthwith, and a warrant of distress shall be issued accordingly, unless the master makes oath, and the police magistrate believes, that the master is unable to make the payment forthwith, and expects to be able to pay and intends to pay the same within the time given, and unless also the police magistrate considers the proposed delay to be under all the circumstances reasonable. The magistrate if he sees fit may order security to be given as a condition of delay.

(2) In case of an adjournment at the instance of the master, the adjournment shall be on payment then and there for the claimant's time in attending the court (the amount to be fixed by the police magistrate), unless the magistrate sees reason for dispensing with such immediate payment.

24. In cases under the *Act respecting Master and Servant* for the recovery of any such wages as in this Act mentioned, the orders of a police magistrate shall be subject to appeal as the orders of a Division Court judge would be in like cases. Appeals from orders under Rev. Stat. c. 139.

25. The order of the police magistrate for payment may be filed in that Division Court which would be the proper court for bringing an action for the wages, and on such filing the order shall thereby become a judgment of the said Division Court and may be treated in all respects and enforced as a judgment of the said court. Entering police magistrate's order as a division-court judgment.

26. This Act shall come into force on the 1st day of August, 1893.

SCHEDULE A.

(*Section 3.*)

FORM. 1.

CONTRACTOR'S AFFIDAVIT.

I, *A.B.*, contractor *or* sub-contractor (*as the case may be*) for certain work on the land of which may be known and described as follows (*here describe lands briefly*), make oath and say (*or* do solemnly declare) :—

That I have paid all wages earned in respect to or on the said work up to and inclusive of the 14th day preceding this day, that is to say, up to and inclusive of the day of .

Sworn (*or* declared) etc.

FORM 2.

AFFIDAVIT BY AGENT.

I, *A.B.*, agent for *C.D.*, contractor *or* sub-contractor (*as the case may be*) in respect of certain work on the land of which may be known and described as follows (*here describe land briefly*), make oath and say (*or* do solemnly declare) :—

I know of my own personal knowledge that all wages earned in respect to or on the said work up to the fourteenth day preceding this day (*or* up to the day of , have been paid.

Sworn (*or* declared) etc.

SCHEDULE B.

(*Section 5.*)

Affidavit of Mortgagor.

Form 1.

I, *A.B.*, the mortgagor named in a certain mortgage, bearing date the day of made between myself of the first part and *C.D.* as mortgagee, and registered in the registry office for the of as No. make oath and say (*or* do solemnly declare):—

That all claims of mechanics, labourers or other persons referred to in the 4th section of the *Mechanics' Lien Act*, with reference to work done or materials or machinery placed or furnished on the land included in the said mortgage, have been paid in full. I further say that all wages earned in respect to or on the said work up to ☞ and inclusive of the 14th day preceding this day, that is to say, up to and inclusive of the day of , ☜ have been paid.

Sworn (*or* declared) etc.

No. 72.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to further facilitate the enforcement of the just rights of Wage-Earners and Sub-contractors.

First Reading, 10th April, 1893.
Second " 11th May, 1893.

(Reprinted as amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 73.] BILL. [1893.

An Act respecting Dower in Mortgaged Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Dower, where wife has joined in deed to convey.

1. No action of dower shall be maintained in case the dowress has joined in a deed to convey the land, or has signed a deed in which her husband has conveyed the land. (Vide R.S.O. cap. 56, sec. 2).

Dower in land sold under mortgage. Rev. Stat. c. 133.

2. As respects mortgages hereafter executed, the right of the wife of a mortgagor in the surplus mortgage money mentioned in section 6 of the *Act respecting Dower* shall be calculated on the basis of the full amount realized from the sale of the land, and not upon the amount realized from such sale over and above the amount of the mortgage only. This enactment is not to affect the question in the case of mortgages heretofore executed.

(See judgment in Pratt *v.* Bunnell, 21 Ontario R. 1, reversing opinion of the Chancellor in *re* Croskerry, 16 O. R. 207; Patterson, J., in Martindale *v.* Clarkson, 6 O. R. 1, and Ferguson, J., in *re* Hague, 14 O. R. 666, and Armour, C.J., in Pratt *v.* Bunnell.)

No. 73.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Dower in Mortgaged Property.

First Reading, 10th April, 1893.

The ATTORNEY-GENERAL.

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 74.] **BILL.** [1893.

An Act respecting Securities in the Surrogate Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Securities of guarantee companies in Surrogate Court.

1. The Lieutenant-Governor in Council may, by Order in Council, direct that the bond or policy of guarantee of any incorporated or joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of officers, servants or persons occupying positions of trust or other like purposes, and named by such Order in Council, may be accepted in lieu of the security required by section 64 of *The Surrogate Courts Act* and the provisions of law therein contained with reference to the legal effect of such securities when given by individuals, and to the mode of proceeding thereon, shall apply to the security given by every such company.

Rev. Stat. c. 50.

(2) The interim receipt of the company may be accepted in lieu of the formal security, but the formal security shall be completed within one month.

(3) This section shall apply also to the security to be taken by the Surrogate Court under the *Act respecting Infants.*

Rev. Stat. c. 137.

No. 74.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act respecting Securities in the Surrogate Courts.

First Reading, 10th April, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 74.] **BILL.** [1893.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

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1. The Lieutenant-Governor in Council may, by Order in Council, direct that the bond or policy of guarantee of any incorporated or joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of officers, servants or persons occupying positions of trust or other like purposes, and named by such Order in Council, may, *at the discretion of the judge*, be accepted, *in whole or in part*, in lieu of the security required by section 64 of *The Surrogate Courts Act* and the provisions of law therein contained with reference to the legal effect of such securities when given by individuals, and to the mode of proceeding thereon, shall apply to the security given by every such company. Rev. Stat. c. 50.

(2) The interim receipt of the company may be accepted in lieu of the formal security, but the formal security shall be completed within one month.

(3) This section shall apply also to the security to be taken by the Surrogate Court under the *Act respecting Infants*. Rev. Stat. c. 137.

Publication of Orders in Council.

2. Every Order in Council under the provisions of this Act shall, immediately after the making thereof, be published in *The Ontario Gazette*, and shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter.

No. 74.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Securities in the Surrogate Courts.

First Reading, 10th April, 1893.
Second " 20th " 1893.

(*Reprinted as amended by Committee of the Whole House.*)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 75.] BILL. [1893.

An Act respecting the office of County Crown Attorney in the County of York and City of Toronto.

Preamble.

WHEREAS, from the increase in the population of the city of Toronto and the county of York, the amount and character of business which has to be performed by a county attorney in the administration of justice in the said county have become such that two competent and responsible Crown attorneys are needed for the due administration of justice, instead of one as in other counties, no increase in the expense to the public or to individuals being thereby occasioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Two crown attorneys for York and Toronto.

1. There shall hereafter be two Crown attorneys for the county of York, one of whom shall be designated the Crown attorney for the county of York, and the other the Crown attorney for the city of Toronto.

Duties of crown attorney for the city of Toronto.

2. The Crown attorney for the city of Toronto shall be the Crown attorney whose duty it shall be to institute and conduct on the part of the Crown prosecutions before the police magistrate for the city of Toronto, and to institute and conduct all other proceedings in the police court for the city of Toronto before the said police magistrate, or any justice or justices of the peace acting for such police magistrate, under any Act or law conferring summary powers to convict for offences in relation to the public revenue, the public property, the public domain, the public peace, the public health and other matters made punishable on summary conviction before such police magistrate, or justice or justices of the peace; and the said Crown attorney is hereby empowered to institute such proceedings upon a complaint in writing, or as public prosecutor in cases where the public interest requires the exercise of such office. (See R. S. O. 1887, Cap. 79, sec. 9, s.-sec 5.)

Duties of crown attorney for county of York.

3.—(1) The Crown attorney for the county of York shall perform like duties and have like powers to those which are hereby conferred by the preceding section upon the Crown attorney for the city of Toronto with respect to all police and magistrates' courts within the county of York which are outside of the jurisdiction of the police court for the city of Toronto.

(2) Except as otherwise by this Act expressly provided, the said Crown attorney for the county of York shall also perform all the duties required to be performed by county Crown attorneys under and in pursuance of *The Act respecting County Crown Attorneys*, or any regulations made thereunder, and the *Act to amend the Act respecting County Crown Attorneys*. (R. S. O. c. 79; 54 Vict. c. 17.)

Rev. Stat. c. 79.

54 V. c. 17.

Expense of proceedings not to be increased.

4. Nothing in this Act contained is to increase expense to either the public or to the parties to any proceeding.

Act incorporated with Rev. Stat. c. 79 and 54 V. c. 17.

5. This Act shall be read as part of the said *Act respecting County Crown Attorneys*, and the Act amending the same.

No. 75.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the office of County Crown Attorney in the County of York and City of Toronto.

First Reading, 10th April, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 76.] **BILL.** [1893.

An Act to extend the time for the Vesting of Estates in Heirs and Devisees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Registration of caution after 12 months from death of testator. 54 V. c 18.

1. Where executors or administrators have, through oversight or otherwise, omitted to register a caution within twelve months after the death of the testator or intestate, as provided by the first section of the Act intituled *An Act respecting the sale of Real Estate by Executors and Administrators*, they may register the Caution subsequently;

Provided they register therewith (1) the affidavit of verification therein mentioned; and

(2) A further affidavit stating that they find and believe that it is or may be necessary for them to sell the real estate of the testator or intestate (or the part thereof mentioned in the caution, as the case may be,) under their powers and in fulfilment of their duties in that behalf;

(3) The consent in writing of any adult devisees or heirs whose property or interest would be affected;

And (4) an affidavit verifying such consent.

Effect of registration.

2. In such case the caution shall have the same effect as a caution registered within the twelve months, save as regards persons who in the meantime may have acquired rights for valuable consideration from or through the heirs or devisees, or some of them; and save also and subject to any equities on the part of non-consenting heirs and devisees, or persons claiming under them, for improvements made after the expiration of twelve months from the death of the testator or intestate, if their lands are afterwards sold by such executors or administrators.

No. 76.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to extend the time for the Vesting of Estates in Heirs and Devisees.

First Reading, 10th April, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 77.] BILL. [1893.

An Act to further provide against the extermination of the Plant called Ginseng.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Proof of purchase or sale to be *prima facie* evidence.

1. Proof of the purchase or sale of ginseng between the first day of January and the first day of September in any year shall be *prima facie* evidence of a contravention of this Act.

Purchasing with knowledge of illegal gathering.

2. Any person who purchases ginseng knowing the same to have been cut, rooted up, or gathered between the first day of January and the first day of September shall be deemed guilty of a contravention of this Act.

Proof of illegal gathering to be *prima facie* evidence against purchaser.

3. In any prosecution under the preceding section proof that the ginseng purchased has been illegally obtained by the vendor shall be *prima facie* evidence of a contravention of this Act by the purchaser.

Act incorporated with 54 V. c. 52.

4. This Act shall be read as part of the *Act to prevent the extermination of the Plant called Ginseng.*

No 77.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to further provide against the Extermination of the Plant called Ginseng.

First Reading, 10th April, 1893.

Mr. DRYDEN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 78.] **BILL.** [1893.

An Act respecting Married Women.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of Act.

1. This Act applies to women married, and to real and personal estate acquired, before or after the passing of this Act.

Power to deal with property in same manner as a *feme sole.*

2. A married woman may acquire, have, hold, enjoy, alienate and dispose of her real and personal estate as if she were an unmarried woman.

Power to devise, etc., as a *feme sole.*

3. A married woman may devise her real and personal estate as if she were an unmarried woman.

Power to trade and contract.

4. A married woman may carry on business and contract as if she were an unmarried woman.

Disabilities, limitations, etc., abolished.

5. All disabilities, and all limitations of the rights, powers and liabilities of married women, in respect of acquiring, holding, owning, alienating or devising of real and personal estate and the carrying on of business and entering into contracts and suing and being sued are hereby abolished, and a married woman shall in respect of all the said matters have, possess and enjoy all the rights and powers and be subject to all the liabilities to which she would be subject if she were not married.

No. 78.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Married Women.

First Reading, 10th April, 1893.

Mr. MEREDITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.] **BILL.** [1893.

An Act to amend The Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause *c.* of sub-section 2 of section 14 of *The Voters' Lists Act* is hereby repealed and the following substituted therefor:— 52 V. c. 3, s. 14, sub-s. 2 amended.

(*c*) Where he has no known residence or place of business within the municipality, if a copy of the subpœna or order is mailed, at least six days before the sitting of the court, to him through the post office, by registered letter, and addressed to him at the post office address contained in any written affirmation made by him under *The Consolidated Assessment Act, 1892*, and where no written affirmation has been made by him under *The Consolidated Assessment Act, 1892*, then by mailing the same, by registered letter, addressed to him to his last known post office address, or to the post office nearest to the polling sub-division in which he is entered, at least six days before the sitting of the court. 55 V. c. 48.

No. 79.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Voters' Lists Act.

First Reading, 10th April, 1893.

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.] **BILL.** [1893.

An Act to amend The Ontario Voters' Lists Act, 1889.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (*c*) of sub-section 2 of section 14 of *The Ontario Voters' Lists Act, 1889*, is hereby repealed and the following substituted therefor:— 52 V. c. 3, s. 14, sub-s. 2 amended.

(*c*) Where he has no known residence or place of business within the municipality, if a copy of the subpœna or order is, at least six days before the sitting of the court, mailed to him through the post office, by registered letter, addressed to him at the post office address contained in any written affirmation made by him under *The Consolidated Assessment Act, 1892*, and where no written affirmation has been made by him under *The Consolidated Assessment Act, 1892*, then by mailing the same, by registered letter, addressed to him to his last known post office address, and also by separate registered letter addressed to the post office nearest to the polling sub-division in which he is entered, at least six days before the sitting of the court. 55 V. c. 48.

No. 79.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ontario Voters' Lists Act, 1889.

First	Reading.	19th	April, 1893.
Second	"	21st	" 1893.

(Reprinted as amended by Select Committee.)

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 80.] **BILL.** [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

55 V. c. 42, ss. 73 (1) and 270 amended.

1. Section 73 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following as sub-section 1*a*:—

1*a*. When a leaseholder qualifies as a member of a municipal council, the words "over and above all charges, liens, and encumbrances affecting the same" shall be inoperative in the eleventh and twelfth lines of sub-section 1 of this section, and likewise inoperative in the thirteenth and fourteenth lines in the first form of oath in section 270.

55 V., c. 42, s. 569 amended.

2. Section 569 of the said Act is amended by adding the following as sub-section 14*a*:—

14*a*. Any person appealing shall in person or by his agent serve upon the clerk of the municipality within five days after the date of the closing of the court of revision mentioned in the tenth line of subsection 10 of section 569 of said Act, a written or printed notice of his intention to appeal to the county judge.

55 V., c. 42, s. 571, sub-sec. 3, amended.

3. Sub-section 3 of section 571 is amended by striking out the word "twenty" in the third line of the said sub-section and inserting in lieu thereof the word "eight."

No. 80.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to amend The Municipal Act.

First Reading, 10th April, 1893.

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 81.] BILL. [1893.

An Act to amend The Assessment Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 9 of section 2 of *The Consolidated Assessment Act, 1892*, is repealed and the following substituted therefor:— 55 V. c. 48, s. 2. sub-s. 9, repealed.

9. "Land," "real property" and "real estate," respectively shall include all buildings or other things erected upon, or affixed to the land, or anything affixed to any building so as to form in law part of the realty, and all trees or underwood growing upon the land, and land covered with water, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty, shall be liable to assessment, and the levying of rates thereon. Land, real property, real estate.

2. Sub-section 10 of section 2 of the said Act is repealed, and the following substituted therefor:— 55 V. c. 48 s. 2 sub-s. 10 repealed.

10. "Personal estate" and "personal property" shall for the purposes of assessment and the levying of rates thereon, include the following, and no other:— Personal estate and personal property defined.

1. Interest from mortgages and notes.

2. Interest from money deposited in chartered and private banks or in the post office savings' bank.

3. Interest from money loaned without any written acknowledgment.

4. Interest from the debentures of the Dominion of Canada.

5. Interest from the debentures of the Province of Ontario.

6. Interest from municipal debentures.

7. Dividends on shares of stock of any incorporated or on chartered banks doing business in the Province of Ontario.

8. Dividends on shares or stock of building societies or shares or stock of any company loaning money on the security of real estate.

9. Dividends on shares or stock of railway companies.

10. Dividends on shares or stock of street railway companies.

11. Dividends on shares or stock of telegraph and telephone companies.

12. Dividends on shares or stock of other incorporated companies not specified herein.

13. The net income from earnings of any person derived from any trade, profession, office or calling.

14. The net income of merchants, traders and manufacturers.

15. The net income of any person engaging in the business of a livery stable keeper or hackman, or of keeping horses and vehicles for hire.

16. The net income from vessel property of the following description:—Steamboats sailing vessels, tow-barges, tugs, dredges or any other class of vessels kept for hire, such as yachts, skiffs and row boats of any kind.

17. The net income of any person carrying on any class of business not hereinbefore enumerated.

Assessment of interest on dividends.

3. In assessing interest on dividends received by any person under clauses numbered 1 to 12 inclusive of sub-section 10 of section 2 of the said Act as amended by this Act, the amount to be assessed shall be the net amount received for the year ending the 31st day of December prior to that in which the assessment is made, and subject to the exemption provided for in sub-sections 23, 24, and 24*a* of section 7 of the said *Consolidated Assessment Act, 1892*.

55 V. c. 48, s. 7.

Manner of assessing income from business.

4. In assessing the income and earnings mentioned in clauses numbered 13, 14, 15, 16 and 17 of sub-section 10 of section 2 of the said Act as hereby amended the amount to be assessed shall be the net amount of earnings or income (as the case may be) after deducting from the gross earnings or income the actual expenses in connection with, and incurred in engaging in any business mentioned in the above recited paragraphs for the year ending the 31st day of December, prior to the year in which the assessment is made, and subject to the exemption provided for in sub-sections 23, 24, and 24*a* of section 7 of *The Consolidated Assessment Act, 1892*.

Personal property liable to assessment.

5. No personal property of any kind whatsoever shall be hereafter assessed for the purpose of levying rates thereon, except the personal property mentioned in paragraphs 1 to 17 inclusive, of section 2 of the said *Consolidated Assessment Act, 1892*, as amended by this Act.

Machinery attached to buildings.

6. To remove doubts respecting machinery used for manufacturing purposes which may be attached to any building either inside or outside of such building it is declared that such machinery shall be exempt from taxation for municipal purposes.

7. Income derived from the following sources shall be exempt from taxation :— What incomes exempt.

1. The income of a farmer derived from his farm.

2. The income of a market-gardener derived from the product of the land used as a market-garden.

3. The income or dividend derived by any person from the shares of stock in any toll road company.

4. Rent or income derived from real estate.

The exemption of the above items shall be for the year prior to that in which the assessment is made.

8. Sub-sections 14, 14*a*, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27 and 28 of section 7 and sections 29*c* and 31*a* of *The Consolidated Assessment Act, 1892*, is repealed 55 V. c. 48 s. 7 amended.

No. 81.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Assessment Act.

First Reading, 10th April, 1893.

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 82.] BILL. [1893.

An Act to establish Womanhood Suffrage for the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as *The Womanhood Suffrage Act*, and shall go into force on the first day of July, 1893. Short title.

2. Property or income qualification for voters under this Act is abolished. No property qualification.

3. Every woman of the full age of twenty-one years a subject of Her Majesty by birth or naturalization and not disqualified under section 6 of this Act and not otherwise by law prohibited from voting, shall, if duly entered on the list of voters proper to be used, be entitled to vote at elections to serve in the Legislative Assembly of this Province; provided that such person had resided within the Province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which she is entitled to be entered as a person qualified to vote, or had so resided within the Province for the twelve months next preceeding the time up to which a complaint may be made to the county judge under *The Voters Lists Act*, or this Act, to insert the name of such person in the list; and provided that such person was in good faith at the time fixed as aforesaid for beginning to make said roll, or for making such complaint as the case may be, a resident of, and domiciled in, the municipality in the list of which she is entered, and is at the time of tendering her vote, a resident of and domiciled within the electoral district, and had resided in the said electoral district continuously from the time fixed as aforesaid for beginning to make said roll or for making such complaint as the case may be. Who may vote at elections. Proviso. 52 V. c. 3. Proviso.

4. A person may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of her occupation, or attendance as a student in an institution of learning in the Dominion of Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voters' list as a qualified voter or to vote. Temporary absence not to disqualify.

Students at college.

5 No person shall be entitled to be marked, or entered by the assessor as a qualified voter as hereinafter mentioned or shall be entered on a list of voters, in respect of residence in a municipality where she is in attendance as a scholar or student at any school, university or other institution of learning, unless she has no other place of residence.

Disqualifications.

6. No person shall be entitled to be marked by the assessor as qualified, or shall be entered on a list of voters, or shall vote, who at the time of marking or entering or voting (as the case may be) is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained in whole or in part, as an inmate receiving charitable support or care in a municipal poor-house or house of industry, or as an inmate receiving charitable support, or care in a charitable institution receiving aid from the province under any statute in that behalf.

Wives and daughters of Indians.

7. The wife, daughter or widow of an enfranchised Indian whether of whole or part Indian blood, shall, like other persons be entitled to vote.

Women to vote in municipalities where there is no voters' list.

8. Every woman who is a resident in such of the municipalities, townships, and places in the electoral districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound, as shall from time to time have no assessment roll shall be entitled to vote.

Who may be placed on the assessment roll as voters.

9.—(1) The assessor shall place on the assessment roll as qualified to be a voter, the name of every woman who delivers or causes to be delivered to the assessor, an affidavit signed by such woman in the forms mentioned in section 16 of this Act if the facts stated are such as entitle such person to be placed thereon.

(2) The affidavit may be made before any assessor, or justice of the peace or commissioner for taking affidavits, or notary public, and every such officer shall upon request administer an oath to any person wishing to make the affidavit.

Enquiries to be made by assessor.

10. The assessor shall also make reasonable enquiries in order to ascertain what women resident in his municipality or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the roll as qualified to be voters without the affidavit.

Entry by assessor under 55 V., c. 48, s. 14.

11.—(1) Opposite the name of every person qualified to be a voter under Act this, the assessor shall in column 4 (mentioned in section 14 of *The Consolidated Assessment Act 1892*) and in addition to the letters, if any, required to show the qualification of such person in respect of municipal elections, write in

capitals the letters W. F., meaning thereby "Womanhood Franchise" and shall number all such names.

(2) Opposite every such name the assessor shall also in column 8, mentioned in section 14 of *The Consolidated Assessment Act, 1892*, enter 55 V. c. 48.

(*a*) In the assessment roll of a city, town, or village, the residence of such person by the number thereof (if any), and the street or locality whereon or wherein the same is situate;

(*b*) In the assessment roll of a township the concession wherein, and the lot or part of a lot whereon such person resides, and in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable the residence to be verified.

12 The assessor shall, at the foot of his assessment roll, after he has completed the same, make affidavit before a Justice of the Peace, in the words or to the effect following:— Affidavit by assessor.

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote a right of voting."

"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person any letter or letters which I ought to have placed there."

13. Complaints of persons having been wrongfully entered on the roll as qualified to be voters or of persons not having been entered thereon as qualified to be voters, who should have been so entered, may, by any person entitled to be a voter or to be entered on the voters' list in the municipality, or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments, or the complaints may be made to the county judge under *The Voters' Lists Act.* Complaints respecting list. 52 V. c. 3.

14. *The Voters' Lists Act* is amended as follows: 52 V. c. 3, the Voters' List Act amended.

(1) All widows and unmarried women who are assessed as owners, tenants, or income voters, under the provisions of *The Consolidated Municipal Act, 1892*, and who are under this entitled to vote at elections to the Legislative Assembly, shall be entered in Part I of the *Voters' Lists Act.* 55 V. c. 42.

(2) All other persons who are not entitled to be entered as owners, tenants, or income voters under *The Consolidated Municipal Act, 1892*, and married women who are entitled to 56 V. c. 42.

be entered as owners but not as voters under said Act, and who are voters under this Act, shall be entered in Part III of *The Voters' Lists Act.*

52 V. c. 3.

Penalty for personation.

15. Every woman who at an election applies for a ballot paper in the name of some other person, whether that name to be that of a person living or dead, or of a fictious person or who, having voted once at an election, applies at the same election for a ballot paper in her own name shall, on conviction, then be disqualified from voting for a period of eight years.

(1) This section is not to apply to a person who applies for a ballot paper believing that she is the person intended by the name entered in the voters' list in respect of which she applies.

(2) Every person who aids, abets, counsels, or procures the commission of any such offence, shall be liable to be disqualified in the same manner as a principal offender.

Forms of oaths to be used.

16. The oaths referred to in section 9 of this Act shall be forms A and B of chapter 5 of the Act passed in the 52nd year of Her Majesty's reign, excepting the following words after the word occupation in the 15th line of form B, namely :—"*as (mentioning as the case may be a lumberman, mariner, or fisherman,*") and the same words for the purposes of this Act are inoperative in forms D, F, H and K in the said Act.

Oaths.

17. Voters under the provisions of this Act shall be liable to take the oaths as set forth in forms C, D, E, F, G, H, I and K, to the said Act passed in the 52nd year of Her Majesty's reign, chaptered, 5 as hereinafter amended for the purpose of this Act.

Form of oaths amended.

1. Form C is amended by substituting the word "Womanhood" in lieu of the word "Manhood" where the same occurs, and where the word "him" occurs in the last paragraph of forms C, D, E, F, G, H, I and K, the words "such person" shall be substituted in lieu thereof in each case.

No. 82.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to establish Womanhood Suffrage for the Legislative Assembly.

First Reading, 10th April, 1893.

Mr. WATERS.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 83.] **BILL.** [1893.

An Act to enable Married Women to vote for Members to Municipal Councils and upon By-laws requiring the assent to the Electors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

Married women who are rated as owner, leaseholders or for income, to vote.

1. Every married woman of the full age of 21 years and who is a subject of Her Majesty by birth or naturalization, and who is rated as the owner of real property in her own right, or as a leaseholder, or for income, shall be entitled to vote for members of municipal councils, and upon by-laws requiring the assent of the electors, for which purpose *The Consolidated Municipal Act, 1892*, is amended as hereinafter provided.

55 V., c. 42, s. 79, amended.

2. Section 79 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "widows" in the fourth line thereof the words "or married woman," and by adding after paragraph "firstly" the words, "and every married woman who is a freeholder in the municipality," and by adding after paragraph "secondly" the words, "and every married woman who is a householder or tenant in her own right in the municipality."

55 V., c. 42, s. 79, amended.

3. Notwithstanding the provisions of sub-sections 2 and 3 of section 79 of the said Act, every married woman or widow who is owner or tenant of any farm in her own right shall be entitled to vote and shall be entered on the assessment roll and voters' list.

55 V., c. 42, s. 79, amended.

4. Sub-section 5 of section 79 of the said Act is amended by inserting after the word "widow" in the 15th line thereof the words, "or married woman."

55 V., c. 42, s. 102, 103 and 104 amended.

5. Sections 102, 103 and 104 of the said Act are amended by inserting after the words "unmarried woman" in the fourth lines of the forms of oaths in the said sections contained the words "or married woman," and after the word "or" in the fifth lines of the said forms of oaths, the words "a married woman or."

55 V., c. 42, s. 308 amended.

6. Section 308 of the said Act is amended by inserting after the words "unmarried woman" in the first line thereof, the words, "or married woman."

55 V., c. 42, s. 309 amended.

7. Section 309 of the said Act is amended by inserting after the words " unmarried woman " in the third line thereof, the words, " or married woman."

55 V., c. 92, s. 310, 311 and 312 amended.

8. The forms of oaths contained in sections 310, 311 and 312 of the said Act are amended by inserting after the words " unmarried woman " where the said words occur therein, the words " or a married woman," and by inserting after the words, " that you are unmarried " where the said words occur therein, the words, " or married."

No. 83.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable Married Women to vote for Members of Municipal Councils, and upon By-laws requiring the assent of the Electors.

First Reading, 10th April, 1893.

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 84.] BILL. [1893

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of chapter 17 of the Act to amend *The Registry Act*, passed in the fifty-first year of Her Majesty's reign, is hereby amended by adding after the word "goods" in the sixth line thereof, the words: "or in respect of an advance or loan of any money."

2. Sub-section 1 of section 2 of *The Registry Act* is hereby amended by striking out the words "with the will annexed" after the word "administration" in the ninth line thereof.

3. Section 19 is hereby amended by adding thereto the words following: "Nor shall any registrar hereafter appointed or deputy-registrar or clerk of the office practice for gain as a solicitor or as a physician or surgeon within the time limited for office hours nor shall any registrar, whether appointed before or after the passing of this Act, his deputy or clerk take proceedings under the power of sale in any mortgage or other instrument affecting land as agent, attorney or solicitor, either personally or as a member of a firm."

(2) The work of the registry office shall be conducted and carried on in all cases under the direction and immediate supervision of the registrar, whether heretofore or hereafter appointed.

4. Section 25 is hereby amended by inserting after the word "wills" in the eighteenth line thereof, the words "probate, grants of administration."

5. When an affidavit of execution is required to be made out of the province before any of the officers mentioned in sub-sections 2, 3 and 4 of section 41 of *The Registry Act*, and the officer has not an official seal, it shall be sufficient for him so to certify and to attach a wafer or other adhesive paper after his name and to write his initials thereon.

6. Section 53 is hereby amended by adding thereto the following words: "And a certified copy of such instrument shall be received as evidence and to the same extent as provided for in section 52 of this Act."

7. Section 69 is hereby amended by adding thereto the following sub-section:—

(2) In any case where a mortgage shall hereafter be paid off by any person advancing money by way of a new loan on mortgage on the same property and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan or advance, the discharge of the mortgage so paid off shall be registered within six months from the date thereof. Such registration shall not affect the right (if any) of any mortgagee or purchaser who may have paid off such mortgage to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid.

8. Section 87 is hereby amended by adding thereto the following sub-sections:—

(5) That where any land has been sold or conveyed in lots or parcels by metes and bounds, and the lots or parcels are not distinguished by numbers or letters, the inspector of registry offices may direct the registrar, in whose division such land is situate, to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as he shall think fit, and a plan or plans thereof made in accordance with the records in the registry office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of *The Registry Act* and amendments thereto, which plan shall have the order of the inspector endorsed thereon signed by him. The costs and expenses of such plan and the registration thereof shall be borne by the person, corporation or municipality to be named by the inspector.

9. Sub-section 1 of section 95 of *The Registry Act* is hereby amended by adding thereto the following paragraph:—

In case the said instrument embraces more than four different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of four, but not to exceed $5.00 for such entries.

10. Sub-section 2 of section 95 is hereby amended by adding thereto the following words: "A 'reference' under this sub-section shall mean a search of a copy of an instrument in the register, and if the abstract indexes only are examined, the total fee for searching any such lot or part of a lot shall be 25 cents. The word 'lot' shall mean one parcel of land as originally patented by the Crown and where such parcel has been subdivided shall include any one of the lots in any such subdivision or re-subdivision a plan of which has been registered.

11. Sub-section 4 of section 95 is hereby amended by adding thereto the following words :—

"The fees for every abstract shall appear on the face thereof and shall show the items making up the amount of such fees. Where there are two or more lots for which abstracts are required and the entries on such lots are the same, the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title to such lots shall be included so far as practicable in one abstract, and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of ten cents as for a search on each lot after the first lot, and for the first lot he shall be entitled to the same fees as are now payable under this Act in respect of one lot.

12. Sub-section 6 of section 95 is hereby amended by adding thereto the following words : "But in case the plan embraces more than 20 lots, the registrar shall be allowed a fee of 5 cents for each lot in excess of 20, not to exceed in the whole $5."

13. Sub-section 10 of section 95 is hereby amended by adding thereto the words following : "But in case the said certificate embraces more than 4 different lots or parcels of land, the registrar shall be allowed a fee of 5 cents for each lot in excess of four, not to exceed in the whole $2 for the registration of such certificate."

14. Sub-section 2 of section 95 is hereby amended by adding thereto the words following : "No person shall make copies of or extracts from any instruments, documents, books, papers or records in the registry office, or of any matter contained therein, to an extent in the aggregate exceeding 300 words for any one lot or part of a lot, except on payment (in addition to the fees for search) of 5 cents for each 100 words or fraction thereof in excess of said (300) words.

15. Every abstract furnished by a registrar shall be commenced in the words following :—

"Ontario, Registry office, County of Abstract of title to lot" and the certificate at the end of every abstract shall be in the words following : "I certify that the above are correct extracts from the only instruments recorded in this office which mention or refer to (*describe property sufficiently for identification*), but all entries in the general register are excepted.

"Dated at this day of A.D.

Registrar."

16. All by-laws, proclamations, orders in council and other instruments of a public, or *quasi* public nature whereby a

village, town or city becomes incorporated, or the boundaries of any municipality are enlarged, diminished or in any way altered, shall be registered in the proper registry office by the municipality passing or procuring the same, and a copy of a by-law certified by the seal of the corporation and the signature of the chief officer and the clerk thereof, and a copy of a proclamation, order in council or other instrument certified by the chief officer of the department from which the same is issued shall be sufficient proof for registration purposes under this section.

17. No registrar shall be liable in respect of entries of instruments made in any book by his predecessors in the office of registrar, nor for any abstract or certificate thereof, unless such abstract or certificate shall be incorrect to the knowledge of the registrar making the abstract or certificate.

18. In the event of the work of any registry office being in arrear, and it appears to the inspector that no sufficient reason is given therefor, the inspector shall employ such assistance as he may deem necessary to perform the work so in arrears, and the cost of such assistance shall be payable by the registrar to the parties entitled, on the certificate of the inspector.

19. Any person (other than the registrar or other officer when he is entitled by law so to do), who alters any of the books, records, plans or registered instruments in any registry office, or makes any memorandum, words or figures in writing thereon, and whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, shall, on summary conviction therefor, before a justice of the peace, forfeit and pay a penalty of not less than dollars, and not more than dollars besides the costs, and in default of payment thereof, he shall be imprisoned in the county gaol of the county in which the offence was committed for a period of not less than three months, and to be kept at hard labor in the discretion of the convicting justice.

20. Every instrument capable of registration and having the proper affidavit of execution attached thereto, shall be deemed to be registered when and so soon as the same is delivered either personally or by letter to, and received by, the registrar or some officer or clerk in his office on his behalf, and a tender or payment made of the proper fees therefor, and thereafter no alteration shall be made by any person whatever in such instrument, and any person altering the same shall be deemed to be guilty of the violation provided for by the preceding section, and may be punished in like manner as therein provided.

21. Section 100 of *The Regisiry Act* is hereby amended by striking out all the words after the word " copies " in the fifth

line thereof and by adding thereto the following sub-sections:—

(2) Every registrar shall make, up to and including the 31st day of December of the previous year, a return under oath to the Lieutenant-Governor annually on or before the 15th day of January, and such return, in addition to any other information which may be required in connection therewith, shall show:

(1) Total number of instruments registered and fees therefor;

(2) Number uncopied and uncompared;

(3) The number of patents registered and fees therefor;

(4) The number of deeds registered and fees therefor;

(5) The number of mortgages registered and fees therefor;

(6) The number of discharges of mortgages registered and fees therefor;

(7) The number of wills registered and fees therefor;

(8) The number of leases registered and fees therefor;

(9) The number of abstracts and fees therefor;

(10) The number of searches and fees therefor;

(11) The number of mechanics' liens and fees therefor;

(12) The number of all other instruments registered or filed and fees therefor;

(13) Amount received for work done for which county, city, or other municipality is liable;

(14) Amount received for other services not enumerated above;

(15) Fees earned and not received;

(16) Gross amount of fees earned for the year;

(17) Gross amount for the previous year;

(18) Amount paid to deputy registrar for services and other charges in connection with the office paid by registrar;

(19) Amount of surplus paid to the county or city for the year and when paid;

(20) Amount of such surplus for the previous year;

(21) Net amount received by registrar.

(3) The return shall show (1) The number of mortgages registered during the year classified as follows:—

Class 1—The number of mortgages where the consideration is nominal or the amount not specified.

Class 2—The number of mortgages where the consideration is under $1,000.

Class 3—The number of mortgages where the consideration is over $1,000 and under $2,000.

Class 4—The number of mortgages where the consideration is over $2,000 and under $5,000.

Class 5—The number of mortgages where the consideration is over $5,000.

Such return shall also show the aggregate amount of such mortgages and the average rate of interest which said mortgages are represented to bear.

(4) This section shall not come into force until the first of January, 1894.

22. Section 4 of the Act passed in the 52nd year of Her Majesty's reign, chapter 19, is hereby amended by striking out the figures "1886" in the 8th line thereof, and substituting therefor the figures "1885."

No. 84.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Registry Act.

First Reading, 11th April, 1893.

Mr. GIBSON,
(*Hamilton*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 84] **BILL.** [1893

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of the *Act to amend the Registry Act*, passed in the fifty-first year of Her Majesty's reign, chaptered 17, is hereby amended by adding after the word "goods" in the sixth line thereof, the words: "or in respect of an advance or loan of any money." 51 V. c. 17, s. 2 amended.

2. Sub-section 1 of section 2 of *The Registry Act* is hereby amended by striking out the words "with the will annexed" after the word "administration" in the ninth line thereof. Rev. Stat. c. 114, s. 3, sub-s. 1, amended.

3. Section 19 *of the said Act* is hereby amended by adding thereto the following as sub-sections 2 and 3 thereof. Rev. Stat. c. 114, s. 19, amended.

(2) No registrar hereafter appointed shall practice for gain as a barrister, solicitor, physician or surgeon; nor shall any registrar heretofore appointed, where the net income from his office is more than $1,000, nor shall any deputy registrar or clerk in the office of the registrar carry on a practice as a physician or surgeon during office hours other than a consulting practice, or out of office hours other than a consulting or office practice at his home, nor take any proceedings under the power of sale in any mortgage or other instrument affecting land either as solicitor or agent, nor shall he personally or as a member of a firm carry on a loaning business or be in any way connected with any firm having business to transact in the office of such registrar. Registrars not to engage in certain callings.

(3) The work of the registry office shall be conducted and carried on in all cases under the direction and immediate supervision of the registrar, whether heretofore or hereafter appointed. Work in registry office to be personally conducted by registrar.

4. Section 25 *of the said Act* is hereby amended by inserting after the word "wills" in the eighteenth line thereof, the words "probate, grants of administration." Rev. Stat. c. 114, s. 25, amended.

5. When an affidavit of execution is required to be made out of the Province before any of the officers mentioned in sub-sections 2, 3 and 4 of section 41 of *The Registry Act*, and the officer has not an official seal, it shall be sufficient for him so to certify. Affidavits of execution sworn out of the Province.

Rev. Stat. c. 114, s. 53, amended.

6. Section 53 *of the said Act* is hereby amended by adding thereto the following words: "And a certified copy of such instrument shall be received as evidence and to the same extent as provided for in section 52 of this Act."

Rev. Stat. c. 114, s 69, amended.

7. Section 69 *of the said Act* is hereby amended by adding thereto the following sub-section:—

Mortgagee to register discharge of prior mortgage within six months.

(2) In any case where a mortgage shall hereafter be paid off by any person advancing money by way of a new loan on mortgage on the same property and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan or advance, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor shall, in writing, have authorized the retention of the said discharge for a longer period. Such registration shall not affect the right (if any) of any mortgagee or purchaser who may have paid off such mortgage to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid.

Rev. Stat. c. 114, s. 87, amended.

8. Section 87 *of the said Act* is hereby amended by adding thereto the following sub-sections:—

Making plans of lands sold by metes and bounds, or of portions of lots sold when not distinguished by number or letter.

(5) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or where portions of lots shown by any registered plan or sub-division have been sold, and the lots or parcels so sold are not distinguished by numbers or letters, the judge of the county or district in which the land is situate may, on the application of the inspector, after such notices as the judge may think reasonable, on being satisfied that it is expedient so to do, make an order directing the registrar, in whose division such land is situate, to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as he shall think fit, and a plan or plans thereof made in accordance with the records in the registry office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act and amendments thereto, which plan shall have the order of the judge endorsed thereon, signed by him. The costs and expenses of and incidental to such plan and the registration thereof shall be borne by the person, corporation or municipality to be named by the judge in the order. Such order shall be entitled in the county court and in the matter of the lands in question and on filing the order with the clerk of the county court, the same may be enforced as if it were a judgment of the court. The registration of such plan shall be binding on all parties subsequently dealing with the lands or any part thereof included in the plan or any interest in or concerning the same, but shall not affect in any way the rights or interests of any owner or other person entitled at or prior to the date of registration.

9. Sub-section 1 of section 95 of *The Registry Act* is hereby amended by adding thereto the following paragraph :— Rev. Stat., c. 114, s. 95, sub-s. 1, amended.

In case the said instrument embraces more than four different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of four, but not to exceed $5 for such entries.

10. Sub-section 2 of section 95 *of the said Act* is hereby amended by adding thereto the following words: "A 'reference' under this sub-section shall mean a search of a copy of an instrument in the register, and if the abstract indexes only are examined, the total fee for searching any such lot or part of a lot *including four references*, shall be 25 cents. The word 'lot' shall mean one parcel of land as originally patented by the Crown and where such parcel has been sub-divided shall include any one of the lots in any such sub-division or re-subdivision, a plan of which has been registered." Rev. Stat., c. 114, s. 95, sub-s. 2, amended.

11. Sub-section 4 of section 95 *of the said Act* is hereby amended by adding thereto the following words :— Rev. Stat., c. 114, s. 95, sub-s. 4, amended.

"The fees for every abstract shall appear on the face thereof and shall show the items making up the amount of such fees. Where there are two or more lots for which abstracts are required and the entries on such lots are *identical*, the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title to such lots shall be included in one abstract, and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of *twenty-five* cents as for a search on each lot after the first lot, and for the first lot he shall be entitled to the same fees as are now payable under this Act in respect of one lot.

12. Sub-section 6 of *said* section 95 is hereby amended by adding thereto the following words : "But in case the plan embraces more than 20 lots, the registrar shall be allowed a fee of 5 cents for each lot in excess of 20, not to exceed in the whole $5." Rev. Stat., s. 114, s. 95, sub-s. 6, amended.

13. Sub-section 10 of *said* section 95 is hereby amended by adding thereto the words following : "But in case the said certificate *affects* more than 4 different lots or parcels of land, the registrar shall be allowed a fee of 5 cents for each lot in excess of four, not to exceed in the whole $2 for the registration of such certificate." Rev. Stat., c. 114, s. 95, sub-s. 10, amended.

14. Sub-section 2 of *said* section 95 is hereby amended by adding thereto the words following : "No person shall make copies of or extracts from any instruments, documents, books, papers Rev. Stat., c. 114, s. 95, sub-s. 2, amended.

or records in the registry office, or of any matter contained therein, to an extent in the aggregate exceeding 300 words for any one lot or part of a lot, except on payment (in addition to the fees for search) of 5 cents for each 100 words or fraction thereof in excess of said (300) words.

Certificate of registrar on abstracts.

15. Every abstract furnished by a registrar shall be commenced and certified to in the words following :—

"Ontario, Registry office, County of Abstract of title "

and the certificate *on* every abstract shall be in the words following : " I certify that the above (*or the following*) are correct extracts from the only instruments recorded in this office which mention or refer to (*describe property sufficiently for identification*). This abstract does not purport to give entries from the General Register.

" Dated at this day of A.D.
at the hour of

Registrar, *or Deputy-Registrar.*" {L. S.}

Registration of instruments incorporating municipalities or altering boundaries.

16. All by-laws, proclamations, Orders in Council and other nstruments of a public, or *quasi* public nature whereby a village, town or city becomes incorporated, or the boundaries of any municipality are enlarged, diminished or in any way altered, shall be registered in the proper registry office by the municipality passing or procuring the same, and a copy of a by-law certified by the seal of the corporation and the signature of the chief officer and the clerk thereof, and a copy of a proclamation, Order in Council or other instrument certified by the chief officer of the department from which the same is issued shall be sufficient proof for registration purposes under this section.

Liability of registrar for errors.

17. No registrar shall be liable in respect of entries of instruments or errors or mistakes in the entries of instruments or in respect of omissions by any of his predecessors in the office of registrar, nor for any defect or inaccuracy in any abstract or certificate arising from such error, mistake or omission, unless he had become aware of or had knowledge of the error or mistake in the said entries, or unless such abstract or certificate shall be defective or inaccurate to the knowledge of the registrar or his deputy or the clerk by whom such abstract or certificate is made or signed.

Inspector may have work in arrear completed.

18. In the event of the work of any registry office being in arrear, and it appearing to the inspector that no sufficient reason is given therefor, the inspector shall employ such assistance as he may deem necessary to perform the work so in arrears, and the cost of such assistance shall be payable by the registrar to the parties entitled, on the certificate of the inspector.

19. Any person (other than the registrar or other officer when he is entitled by law so to do), who alters any of the books, records plans or registered instruments in any registry office, or makes any memorandum, words or figures in writing thereon, and whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, shall, on summary conviction therefor, before a justice of the peace, forfeit and pay a penalty of not less than five dollars, and not more than one hundred dollars besides the costs, and in default of payment thereof, he shall be imprisoned in the county of the county in which the offence was committed for a period of not less than three months, and to be kept at hard labor in the discretion of the convicting justice. Penalty for altering books, etc., in registry office.

20. Every instrument capable of registration and having the proper affidavit of execution attached thereto, shall be deemed to be registered when and so soon as the same is delivered either personally or by letter to, and received *at his office during office hours*, by the registrar or some officer or clerk in his office on his behalf, and a tender or payment made of the proper fees therefor, and thereafter no alteration shall be made by any person whatever in such instrument, and any person altering the same shall be deemed to be guilty of the violation provided for by the preceding section, and may be punished in like manner as therein provided. When registration to be deemed complete.

21. Section 55 of *The Registry Act* is amended by adding the following sub section thereto :— Rev. Stat. c. 114, s. 55, amended.

(1) The registrar shall, upon request, furnish to the clerk or the assessment commissioner of a city, a list of all absolute conveyances whereby property has been transferred, which have been registered in his office during the next preceding month, and in such list shall include the names of the grantor, the grantee, the consideration shown in such transfer, and a short description of the land conveyed; provided that such list shall not include leases for less than twenty-one years, mortgages, discharges of mortgage, or other like instruments, and that the registrar shall be entitled to have and receive therefor a fee of five cents for every instrument included in said list. Registrar to furnish clerk or assessment commissioner with list of conveyances.

22. Section 84 of *The Registry Act* is amended by adding thereto the following as sub-section (5):— Rev. Stat. c. 114, s. 84, amended.

(5) The Registrar shall not receive or file, any plan or map of a sub-division of any land for which the Crown patent has not issued, unless the assent of the Commissioner of Crown Lands to such receipt and filing is endorsed thereon.

Rev. Stat. c. 115, s. 88, and 55 V. c. 21, repealed.

23. Section 88 of *The Registry Act* and section 88*a* of the said Act, as enacted by section 1, chapter 21, of the Acts, passed in the 55th year of Her Majesty's reign, are repealed and the following substituted therefor:—

Delivery of plans to municipal treasurers.

88. Every person who is required to lodge with the registrar a plan or map of any survey or sub-division of land in any municipality shall at the same time deposit with the said registrar a duplicate of such plan or map and the registrar shall endorse thereon a certificate shewing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall upon request and without any fee being chargeable in respect thereof, be delivered by the registrar to the treasurer or assessment commissioner of the local municipality in which such land is situate. The registrar shall not register any such plan or map unless and until a duplicate thereof is deposited in accordance with the provisions hereof.

Rev. Stat. c. 114, s. 100, amended.

24. Section 100 of *The Registry Act* is hereby amended by striking out all the words after the word "copies" in the fifth line thereof and by adding thereto the following sub-sections:—

(2) Every registrar shall make, up to and including the 31st day of December of the previous year, a return under oath to the Lieutenant-Governor annually on or before the 15th day of January, and such return, in addition to any other information which may be required in connection therewith, shall show:

(1) Total number of instruments registered and fees therefor;

(2) Number uncopied and uncompared;

(3) The number of patents registered and fees therefor;

(4) The number of deeds registered and fees therefor;

(5) The number of mortgages registered and fees therefor;

(6) The number of discharges of mortgages registered and fees therefor;

(7) The number of wills registered and fees therefor;

(8) The number of leases registered and fees therefor;

(9) The number of abstracts and fees therefor;

(10) The number of searches and fees therefor;

(11) The number of mechanics' liens and fees therefor;

(12) The number of all other instruments registered or filed and fees therefor;

(13) Amount received for work done for which county, city, or other municipality is liable;

(14) Amount received for other services not enumerated above;

(15) Fees earned and not received;

(16) Gross amount of fees earned for the year;

(17) Gross amount for the previous year;

(18) Amount paid to deputy registrar for services and *amount of* other charges in connection with the office paid by registrar;

(19) Amount of surplus paid to the county or city for the year and when paid;

(20) Amount of such surplus for the previous year;

(21) Net amount received by registrar.

(3) The return shall show (1) The number of mortgages registered during the year classified as follows:—

Class 1—The number of mortgages where the consideration is nominal or the amount not specified.

Class 2—The number of mortgages where the consideration is $1,000 *or under.*

Class 3—The number of mortgages where the consideration is over $1,000 and *not exceeding* $2,000.

Class 4—The number of mortgages where the consideration is over $2,000 and *not exceeding* $5,000.

Class 5—The number of mortgages where the consideration is over $5,000.

Such return shall also show the aggregate amount of such mortgages.

(4) This section shall not come into force until the first of January, 1894.

25. Section 4 of the Act passed in the 52nd year of Her Majesty's reign, chapter 19, is hereby amended by striking out the figures "1886" in the 8th line thereof, and substituting therefor the figures "1885." 52 V. c. 19, s. 4, amended.

No. 84.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Registry Act.

First Reading, 11th April, 1893.
Second Reading, , 1893.

(Reprinted as amended in Committee of the Whole House.)

Mr. GIBSON
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 85.] BILL. [1893.

An Act to establish an Office of Land Titles for the District of Rainy River.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Land titles office at Rat Portage.

1. From and after the first day of July, 1893, there shall be at Rat Portage, an office of land titles for the district of Rainy River, separate from the office for the rest of the provisional judicial district of Thunder Bay.

Appointment of Local Master of Titles.

2. The Lieutenant-Governor may appoint a local master of titles for the territorial district of Rainy River, at any time after the passing of this Act.

Delivery over of Rainy River books.

3. Upon the said first day of July, or as soon thereafter as practicable, the local master at Port Arthur shall deliver to the local master for the district of Rainy River all books which have been kept exclusively for that district.

Delivery of instruments affecting Rainy River to local master at Rat Portage.

4.—(1) The local master at Port Arthur shall also deliver as aforesaid to the local master for Rainy River all original instruments filled or registered with him which relate solely to lands within Rainy River district, and certified copies of all such instruments relating to land in that portion of Thunder Bay outside of Rainy River district, as well as to land in Rainy River district as the Master of Titles shall direct.

(2) The local master at Rat Portage may enter in the registers all instruments so delivered to him which have not been entered and completed in the registers, and all instruments which have not been completely entered, and may date all such entries as they would have been dated if the entries been made and completed by the local master at Port Arthur, and may continue and complete all applications, proceedings and matters pending at the said date before the local master at Rat Portage respecting land in the Rainy River district.

Copies of writs of execution affecting lands in Rainy River to be delivered over.

5.—(1) The local master at Port Arthur shall also deliver as aforesaid to the said local master for Rainy River district, all copies of writs of execution that are in his hands in force and which have been received by him from the sheriff of Rainy River.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the local master at Port Arthur.

(3) Such copies shall have the same effect and be dealt with in the same manner as if they had been furnished by the sheriff of Rainy River district to the local master for Rainy River district, and shall on their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid, they held in the office at Port Arthur.

Sheriff's certificate varying copy of writ to be delivered over.

6. Where the effect of a copy of a writ has been varied by a subsequent certificate of the sheriff, the local master at Port Arthur shall also deliver as aforesaid such certificate to the local master for Rainy River district.

No. 85.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to establish an Office of Land Titles for the District of Rainy River.

First Reading, 11th April, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 86.] **BILL.** [1893

An Act to amend The Ontario Medical Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The sub-section commencing, "firstly," of section 6 of *The Ontario Medical Act* is repealed. Rev. Stat. c. 148, s. 6, sub-s. 1st repealed.

2. The sub-section of said section 6 commencing "secondly," is amended by striking out the word "five" in the first line thereof, and substituting therefor the word "four." Rev. Stat. c. 148, s. 6, sub-s. 2nd amended.

3.—(1) The sub-section of said section 6 commencing "thirdly," is amended by striking out the word "twelve" in the first line thereof and substituting therefor the word "seventeen." Rev. Stat. c. 148, s. 6, sub-s. 3rd amended.

2. Clause 2 of the said sub-section is amended by striking out the word "twelve" in the first line thereof and substituting therefor the word "seventeen," and by adding after the words "shall be" in the first line thereof the words "and continue to be."

4. Sub-section 1 of section 7 of the said Act is repealed and the following substituted therefor :— Rev. Stat. c. 148, s. 7, sub-s. 1 repealed.

1. The members of the council shall be elected for a period of three years, but any member may resign at any time by letter addressed to the president or registrar of the council, and in case of vacancy thus produced, or of vacancy by death or by the removal of a member from the territorial division he was elected to represent, or other cause, the registrar shall forthwith cause a new election to be held in the territorial division in which such vacancy occurs, and such election shall be conducted in accordance with this Act and the by-laws and regulations of the council, but it shall be lawful for the council during such vacancy, to exercise the powers hereinafter mentioned. Term of office in council. Vacancies by death, resignation or removal

5. Section 7 of the said Act is further amended by adding thereto the following as sub-sections (3) and (4) thereof :— Rev. Stat. c. 148, s. 7 amended.

3. The registrar shall, not more than 60 nor less than 40 days before the time for receiving nominations for any election under this Act, notify, by letter or post card, every registered medical practitioner in the province of the date of receiving such nominations.

4. A general election shall be held during the year 1893 in accordance with the provisions of this Act as amended.

Rev. Stat. c. 148, s. 10 repealed.

6. Section 10 of the said Act is repealed and the following substituted therefor :—

Disputed elections.

10.—(1) In case of doubt or dispute as to the legality of the election of any member of the council, it shall be lawful for any elector to appeal to a senior county court judge living within the said division, who shall hold an enquiry and decide who is the legally elected member, and the person whom he decides to have been elected shall be and be deemed to be the member legally elected, and if the election is found to have been illegal, the judge shall have power to order a new election.

(2) Such appeal must be made within 30 days of the declaration of the returning officer.

Rev. Stat. c. 148, s. 12 repealed.

7 Section 12 of the said Act is repealed and the following substituted therefor :—

Payment of members of council.

12. There shall be paid to the members of the council such fees for attendance, not exceeding $5 per diem, for members residing in the city in which the meetings of the council are held, and $10 per diem for members residing outside such city, and such reasonable travelling expenses, not exceeding a first-class return ticket, as may from time to time be fixed by by-law of the council but such per diem allowance shall only be for days actually in attendance at council or committee meetings, but no hotel or other expenses shall be allowed.

Rev. Stat. c. 148, s. 29, amended.

8. Section 29 of the said Act is amended by striking out the words " referred to in section 6 of this Act," in the third and fourth lines thereof, and substituting therefor the following : " in the Province of Ontario, viz., the medical faculties of the universities of Toronto, Queen's, Western, and of Trinity College," and by striking out the words " exceeding five " in the seventh line thereof, and substituting therefor the words " less than six."

54 V. c. 26, s. 8, repealed.

9. Section 41*a* of said Act, as amended by section 8 of the Act passed in the 54th year of Her Majesty's reign, chaptered 76, is repealed.

No. 86.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ontario Medical Act.

First Reading, 12th April, 1893.

Mr. MEACHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 86.] BILL. [1893

An Act to amend The Ontario Medical Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may may be cited as *The Ontario Medical Amendment Act, 1893.* Short title.

2. The sub-section of section 6 of *The Ontario Medical Act* commencing "secondly," is amended by striking out the word "five" in the first line thereof, and substituting therefor the word "four." Rev. Stat. c. 148, s. 6, amended.

3.—(1) The sub-section of said section 6 commencing "thirdly," is amended by striking out the word "twelve" in the first line thereof and substituting therefor the word "seventeen." Rev. Stat. c. 148, s. 6, amended.

2. Clause 2 of the said sub-section is amended by striking out the word "twelve" in the first line thereof and substituting therefor the word "seventeen," and by adding after the words "shall be" in the first line thereof the words "and continue to be."

3. Section 7 of the said Act is amended by striking out the word "five" in the second line of said section, and inserting in lieu thereof the word "four"; and by inserting after the word "division" in the eleventh line of the said section the words "or by his becoming disqualified owing to his having ceased to reside therein." Rev. Stat. c. 148, s. 7, amended.

4. Section 7 of the said Act is further amended by adding thereto the following as sub-sections (3) and (4) thereof :— Rev. Stat. c. 148, s. 7, amended.

(3) The registrar shall, not more than 60 nor less than 40 days before the time for receiving nominations for any election under this Act, notify, by letter or post card, every registered medical practitioner in the province of the date of receiving such nominations.

(4) A general election shall be held *in* the year *1894* in accordance with the provisions of the said Act as amended by this Act.

Controverted elections.

5. (1) In case the validity of the election of any member of the council is contested, the same is to be tried by the senior or other officiating judge of the county court, or the judge of the district court of the district in which the person whose election is complained of resides, and the proceedings thereon shall *mutatis mutandis* be the same (as nearly as may be) as in the case of municipal elections under the sections of *The Consolidated Municipal Act, 1892*, relating to controverted elections. But no security by the complainant shall be necessary.

55 V., c. 42.

Who may be relator.

(2) Any person qualified to vote at the election complained of may be the relator in proceedings under this section.

(3) The decision of the said judge shall be final.

Rev. Stat. c. 148, s. 29, amended.

6. Section 29 of the said Act is amended by striking out the words "exceeding five" in the seventh line thereof, and substituting therefor the words "less than six."

Fees of members of the college.

7. The fees to be paid by the members of the college towards the expenses of the college, and the means of collecting and enforcing the same are to be in the discretion of the elected members of the council; and section 27 of the said Act, and section 41*a* amending the same, enacted by the Act passed in the 54th year of Her Majesty's reign, chaptered 26, and entitled *An Act to amend the Ontario Medical Act*, are hereby suspended, and are to continue suspended unless and until after the elections of 1894 a by-law is passed by the council adopting the same or part thereof; and the said council, after the said elections, is to have power from time to time to adopt the same in whole or in part, or with any modifications as the council sees fit, and is to have power to afterwards repeal, or from time to time vary any such by-law, and to re-enact the same in whole or in part after repealing the same, subject always to the limit prescribed by section 27 of the said Medical Act. But the only members of the council entitled to vote on any by-law under this section shall be the elected members of the council, nine of whom at least must be present at the passing of the by-law.

Rev. Stat. c. 148 schedule "A" repealed.

8. Schedule "A" to the said Act is repealed, and the schedule to this Act substituted therefor.

Act incorporated with Rev. Stat., c. 148.

9. This Act shall be read with and as part of *The Ontario Medical Act*.

SCHEDULE "A."

1. The counties of Lincoln, Welland, Haldimand and Norfolk.
2. The counties of Elgin, Kent and Essex.
3. The county of Middlesex.
4. The counties of Lambton and Huron.
5. The counties of Perth and Wellington.
6. The counties of Oxford and Waterloo.
7. The counties of Brant and Wentworth.
8. The counties of Bruce, Grey and Dufferin.
9. The counties of Halton, Peel and Simcoe.
10. That part of the city of Toronto lying east of Spadina avenue, and the townships of North and East Gwillimbury, Whitchurch, Markham and Scarboro.'
11. That part of the city of Toronto lying west of Spadina avenue, and the townships of King, Vaughan, Etobicoke and York.
12. The counties of Ontario, Durham and Victoria.
13. The counties of Northumberland, Peterboro' and Haliburton, Muskoka and Parry Sound.
14. In the counties of Prince Edward, Hastings, Nipissing and Algoma.
15. In the counties of Lennox and Addington, Frontenac, Renfrew and Lanark.
16. In the counties of Leeds, Grenville, Dundas and Stormont.
17. In the counties of Carleton, Russell, Prescott and Glengarry.

No. 86.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ontario Medical Act.

First Reading, 12th April, 1893.
Second " 10th May, 1893.

(Reprinted as amended by Special Committee.)

Mr. MEACHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 87.] BILL. 1893.]

An Act to amend the Law relating to Witness Fees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation of "farmer."

1. For the purpose of this Act the word "farmer" shall mean :

(*a*) Any person owning land used by him for farming purposes.

(*b*) Any tenant or occupant of land used by such tenant or occupant for farming purposes.

Fees to farmers.

2. Farmers shall be paid when duly subpœnæd to give evidence in any of the courts of justice in this Province, or having given evidence in any such court without having been so subpœnæd, in addition to mileage, a per diem allowance or witness fee equal to the value of their time, and to be settled under the provisions of section 4 of this Act.

Fees to mechanics, artizans and labourers.

3. Mechanics, artizans and labourers shall be paid when duly subpœnæd to give evidence in any of the courts of justice in the Province, or having given evidence in any such court without having been so subpœnæd, in addition to mileage, a per diem allowance or witness fee equal to the current rate of wages in their several occupations, said current rate of wages to be settled and determined under the provisions of section 4 of this Act.

Fees to be settled by the county judge.

4. The county judge, or by the direction of the senior county judge, the junior judge of each county and union of counties, shall, on or before the twentieth day of January in each year, decide upon, settle and determine the amount of the per diem allowance or witness fee to be allowed under the provisions of sections 2 and 3 of this Act, and shall not later than the said day file with the local registrar of the high court of justice in the county town of the said county or union of counties, and with each clerk of the division courts of the said county or union of counties, a memorandum or schedule signed by him, shewing the several amounts so decided upon, settled and determined by him as aforesaid, and the provisions of such memorandum or schedule shall govern in all taxations of witness fees to which the same refers until the filing as aforesaid of a new memorandum or schedule in the following year.

Fees to school teachers.

5. All high school teachers and public school teachers under engagement as such, shall be paid and have taxed to them when subpœnaed as aforesaid, or having given evidence as aforesaid, besides mileage, a per diem allowance or witness fee equal to the value of their time, and to be determined with reference to and upon the basis of the annual or other remuneration received by them under their then current engagement.

Examinations for discovery.

6. The provisions of this Act shall not apply to the payment of parties to an action for attendance on examination for discovery.

No. 87.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Law relating to Witness Fees.

First Reading, 12th April, 1893.

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 88.] **BILL.** [1892

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 220, s. 4 amended.

1. Section 4 of *The Ditches and Watercourses Act* is amended by adding thereto the following as sub-section "1*a*":—

Notice to to owner to repair.

(1*a*) In any case when an owner by an award of an engineer, or an agreement as provided for in section 5 of this Act, or of an award made by fence-viewers prior to 1883, is or has been made liable for the construction of any portion of any ditch or drain, or for the opening up of any creek or watercourse, and such owner has not been made liable for the maintenance and repair of the same, the said owner may give to any other owner, whose duty it is to maintain and keep in repair, any portion of such ditch, drain, creek or watercourse, the notice provided for in sub-section 4 of this section.

Engineer may award as to maintaining and repairing.

2. An engineer in making his award under the said Act, may award that the owners liable for the construction of any ditch or drain, or of the opening up of any creek or watercourse, shall each perform a share of the work according to the benefit derived by each owner. And the work shall be so apportioned that each owner shall be liable for the maintenance and repair of the portion of such ditch or drain, creek or watercourse which may be in such owner's land.

No. 88.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ditches and Watercourses Act

First Reading, 12th April, 1893.

Mr. WATERS.

TORONTO:
PRINTED L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 89.] **BILL.** [1893.

Act respecting Returns by Registrars and Masters of Titles under the Registry Act and the Land Titles Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Returns to be made annually.

1. Returns by registrars and masters of titles shall be made up for twelve months previously to the 30th November in each year, and be returned, verified under oath, to the Lieutenant-Governor on or before the 15th day of December, in each year.

Returns by registrars.

2. Such returns in the case of registrars shall shew:—

(1) The number of patents registered and fees therefor.

(2) The number of absolute deeds registered and fees therefor.

(3) The number of mortgages registered and fees therefor.

(4) The number of assignments of mortgages and fees therefor.

(5) The number of discharges of mortgages and fees therefor.

(6) The number of powers of attorney and fees therefor.

(7) The number of wills and fees therefor.

(8) The number of leases or absolute assignments of lease and fees therefor.

(9) The number of abstracts and fees therefor.

(10) The number of searches and fees therefor.

(11) The number of mechanics' liens and fees therefor.

(12) Amount received for work done for which county or city is liable.

(13) Amount received for other services not enumerated above.

(14) Fees earned and not received.

(15) Gross amount of fees earned for the year.

(16) Gross amount for the previous year.

(17) Amount paid to deputy-registrar for services.

(18) Other charges necessarily incurred in connection with the office and paid by registrar.

(19) The amount for any cause deducted from surplus going to county or city and the particulars.

(20) Amount of surplus paid to the county or city for the year.

(21) Amount of such surplus for previous year.

(22) Net amount received by registrar.

Returns by masters of titles.

3. Such returns in the case of masters of titles shall show :

(1) Number of certificates issued.

(2) Amount received therefor.

(3) Number of transfers.

(4) Consideration of transfers.

(5) Fees received therefor.

(6) Number of mortgages.

(7) Consideration of mortgages.

(8) Fees received therefor.

(9) Number of discharges, including discharges of mechanics' liens, judgments, etc.

(10) Fees received therefor.

(11) Transfers of mortgages.

(12) Fees received therefor.

(13) Leases and assignments of leases.

(14) Fees received therefor.

(15) Covenants.

(16) Fees received therefor.

(17) Withdrawal of covenants.

(18) Fees received therefor.

(19) Number of other instruments and services.

(20) Fees received therefor.

(21) Total fees received.

(22) Fees received in previous years since establishment of office setting out the amount received in each year,

And

(*a*) Office expenses connected with the working of the Act.

(*b*) Number of properties brought under the Act for the year.

(*c*) The declared value of such properties.

(*d*) Fees received therefor.

(*e*) Total value of properties under the Act on 15th December in the current year.

(*f*) Amount paid into guarantee fund during year.

(*g*) Total amount at credit of guarantee fund.

Returns as to mortgages.

4. Such returns in the case of both registrars and masters of titles shall respectively further show :—

(1) The number, consideration and amount of mortgages registered during the year classified as follows :—

Class	1	number of mortgages	under	$	500			
"	2	"	"	over	500	and under	$	1,000
"	3	"	"	"	1,000	"		2,000
"	4	"	"	"	2,000	"		4,000
"	5	"	"	"	4,000	"		10,000
"	6	"	"	above	10,000			

(2) The average rate of interest which said mortgages bear in each class, and after the year 1893 and until the year 1902, the average rate of interest which said mortgages bear in each class in the preceding year, and thereafter for the preceding ten years.

Returns to be printed and distributed.

5. Such returns shall be printed on or before the 1st day of January in each year, and distributed to all members of the Legislative Assembly of the Province, mayors of cities, wardens and clerks of counties, and to any justice of the peace, or any person holding a public position who may in writing request that such returns be sent to him.

Returns to be in lieu of those now required.

6. Such returns shall be in lieu of all returns now required to be made under *The Registry Act* or *The Land Titles Act.*

No. 89.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Returns by Registrars and Masters of Titles, under The Registry Act and The Land Titles Act.

First Reading, 12th April, 1893.

Mr. MONK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 90.] **BILL.** [1893.

An Act to amend The Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 194, s. 52, sub. s. 1 amended.

1. Sub-section 1 of section 52 of *The Liquor License Act*, as amended by section 7 of chapter 51, of the Acts passed in the 55th year of Her Majesty's reign, is amended by striking out all the words between the word "Act" in the second line and the word "It" in the fifth line, and inserting the following in lieu thereof: "May keep and sell liquors for strictly medicinal purposes, and shall not sell more than six ounces at any one time, and such sale shall not be made except under a certificate from a duly qualified medical practitioner, who shall not be the druggist selling the liquor."

Druggist not to sell more than 6 ounces, and not to sell upon his own certificate.

No. 90.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to amend The Liquor License Act.

First Reading, 13th April, 1893.

Mr. McKenzie,
(*Lambton E.*)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 90.] **BILL.** [1893.

An Act to amend The Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 52 of *The Liquor License Act* as amended by section 7 of the Act passed in the 55th year of Her Majesty's reign, chaptered 51, is further amended by adding the following thereto as sub-section 5: 55 V. c. 51, s. 7, amended.

(5) A chemist or druggist who is also a duly qualified medical practitioner may himself give the certificate provided for in this section.

2. Section 54 of *The Liquor License Act* is amended by adding thereto the following as sub-section 4: Rev. Stat. c. 194, s. 54, amended.

(4) The restriction mentioned in sub-section 1 shall apply to chemists and druggists.

3. Section 60 of *The Liquor License Act* is amended by striking out the following words in the third line thereof: and for the sale of which a license is required. Rev. Stat. c. 194, s. 60, amended.

Section 112 of the said Act is amended by striking out the words "section 70 and 71 of this Act as the case may be" in the sixth line thereof and inserting in lieu thereof the words "this Act." Rev. Stat. c. 194, s. 112, amended.

No. 90.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Liquor License Act.

First Reading, 13th April, 1893.
Second " 12th May, 1893.

(Reprinted as amended by Select Committee.)

Mr. McKenzie,
(Lambton E.)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 90.] **BILL.** [1893.

An Act to amend The Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 52 of *The Liquor License Act* as amended by section 7 of the Act passed in the 55th year of Her Majesty's reign, chaptered 51, is further amended by adding the following thereto as sub-section 5: 55 V. c. 51, s. 7, amended.

(5) A chemist or druggist who is also a duly qualified medical practitioner may himself give the certificate provided for in this section.

2. Section 52 of the said Act is further amended by adding thereto the following as sub-section 6 of the said section: Rev. Stat. c. 194, s. 54, amended.

(6) The provisions of sub-section 1 of section 54 of this Act shall apply to chemists and druggists.

3. Section 60 of the said Act is amended by striking out the following words in the third line thereof: 'and for the sale of which a license is required." Rev. Stat. c. 194, s. 60, amended.

4. Section 112 of the said Act is amended by striking out the words "sections 70 and 71 of this Act as the case may be" in the sixth line thereof and also the words "sections 70 and 71 of this Act" in the sixth and seventh lines of sub-section 2 of said section 112, and inserting in lieu thereof the words "this Act." Rev. Stat. c. 194, s. 112, amended.

5. Sub-section 7 of section 2, of the said Act, is repealed and the following is substituted therefor:— Rev. Stat. c. 194, s. 2, sub-s. 7, amended.

(7) "Polling sub-division" shall mean the polling sub-division as shewn by the last revised voters' list for the municipality in which the licensed premises or the premises for which a license is sought are situate. "Polling sub-division," meaning of.

No. 90.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Liquor License Act.

First Reading, 13th April, 1893.
Second " 12th May, 1893.

(Reprinted as amended by Committee of the Whole House.

Mr. McKenzie,
(Lambton E.)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 91.] BILL. [1893.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 2 of *The Workmen's Compensation for Injuries Act, 1892*, is amended by adding thereto the following words: "but shall not include a farmer." 55 V., c. 30, s. 2, sub. s. 3 amended.

2. Sub-section 3 of section 2 of the said Act is amended by inserting the words "farm or" after the words "include a" in the first line of the said sub-section, and by striking out the words "servants in husbandry" in the third line of the said sub-section. 55 V., c. 30, s. 2, sub. s. 3 amended.

No. 91.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Workmen's Compensation for Injuries Act, 1892.

First Reading, 13th April, 1893.

Mr. BARR,
(*Dufferin*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's most Excellent Majesty.

No. 92.] BILL. [1893.

An Act to amend The Ontario Shops Regulation Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Shops to be closed on Saturday night.

1. Every shop or place of business where goods are exposed for sale, shall, on Saturday night, be closed not later than the hour of ten o'clock in the evening.

Fine $5 to $20.

2. For every offence against the provisions of this Act a fine of not less than $5 nor more more than $20 shall be imposed by the convicting magistrate or justice of the peace, as the case may be.

Offences committed.

3. Where an offence is committed against the provisions of section 1 of this Act, the owner, manager or party entrusted with the carrying on of the business shall be liable therefor.

Who to convict.

4. In municipalities where there is a police magistrate, the information shall be laid before such magistrate; in municipalities where there is no police magistrate, the information shall be laid before any two justices of the peace.

Application of fines.

5. One-half of every fine imposed under this Act shall be paid to the person making the complaint, and the other half shall be paid to the treasurer of the municipality in which the offence is committed.

No. 92.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ontario Shops Regulation Act.

First Reading, 13th April, 1893.

Mr. McKenzie,
(*Lambton E.*)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 93.] **BILL.** [1893.

An Act to amend the Act respecting Contracts in relation to Goods entrusted to Agents.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of the *Act respecting Contracts in relation to Goods entrusted to Agents* is repealed and the following substituted therefor:— Rev. Stat. c. 128, s. 5, repealed.

5. Any person may contract for the purchase of goods with an agent entrusted with the possession thereof, or to whom the same may be consigned, or may contract to barter or exchange with such agents for said goods other goods, the property of such person, or may contract with such agent for goods so in the possession of or consigned to such agent, partly by way of purchase and partly by way of barter or exchange for other goods, the property of such person, and may receive the goods so purchased from such agent, or bartered or exchanged with him, or partly purchased, or partly bartered or exchanged as aforesaid, and pay for the same to such agent, or deliver to such agent the goods so taken by such agent by way of barter or in exchange, and such contract and payment and delivery shall be binding upon the owner of the goods, notwithstanding the purchaser has notice that he is contracting only with an agent. What contracts for purchase or barter to be valid.

No. 93.

3rd Session, 7th Legislature, 56 Vict, 1893.

BILL.

An Act to amend the Act respecting Contracts in relation to Goods entrusted to Agents.

First Reading, 13th April, 1893.

Mr. BARR.
(*Dufferin*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 94.] BILL. [1893.

Act to amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 24 of *The Pharmacy Act* is amended by striking out all the the words after the word "address," in the 16th line thereof, and substituting the following: "of the person preparing such packages and marked 'Poison'." Rev. Stat. c. 151, s. 24 amended.

No. 94.

3rd Session, 7th Legislature, 56 Vict., 1893

Bill.

An Act to amend The Pharmacy Act.

First Reading, 13th April, 1893.

Mr. MEACHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 94. [1893.

BILL.

Act to amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 24 of *The Pharmacy Act* is amended by striking out the words "arsenical insecticides" in the 15th line thereof and all the words after the word "address" in the 16th line thereof, and by substituting after the said word "address" the following: "of the person preparing or putting up such packages and marked 'Poison'." Rev. Stat. c. 151, s. 24 amended.

No. 94.

3rd Session, 7th Legislature, 56 Vict., 1893.

Bill.

An Act to amend The Pharmacy Act.

First Reading, 13th April, 1893.
Second " 5th May, 1893.

(*Reprinted as amended by Special Committee.*)

Mr. MEACHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 94. **BILL.** [1893.

Act to amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 24 of *The Pharmacy Act* is amended by striking out the words "arsenical insecticides" in the 15th line thereof and all the words after the word "address" in the 16th line thereof, and by substituting after the said word "address" the following: "of the person preparing or putting up such packages and marked 'Poison'." Rev. Stat. c. 151 amended.

2. The said *The Pharmacy Act* is further amended by adding thereto the following section:— Rev. Stat. c. 151, amended.

35 Until after the first day of July, 1894, nothing in this Act contained shall extend to interfere with or affect the making, vending, or dealing in any patent or proprietary medicine, and the said Act shall be read as if this section had always formed part of the said Act. Sale of patent medicines

No. 94.

3rd Session, 7th Legislature, 56 Vict., 1893.

Bill.

An Act to amend The Pharmacy Act.

First Reading, 13th April, 1893.
Second " 5th May, 1893.

(*Reprinted as amended by Committee of the Whole House.*)

Mr. MEACHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 95.] BILL. [1893.

An Act to amend The General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Commuting tolls payable by persons residing on a toll road.

1. The owner or occupant of any lands through or along the boundaries of which a toll road has been constructed, may give notice in writing to the company or municipal corporation owning or controlling the road, requiring the company or municipal council to commute the tolls payable at any toll gate on the road, in respect of vehicles and animals owned by, or in the possession of such owner or occupant, at a gross amount for one year from the date at which the amount of the commutation shall be settled, and if the said owner or occupant, and the said company or municipal council owning or controlling the road, are unable to agree upon the amount to be paid, the same shall be determined by the judge of the county court of the county in which the lands are situate, whose decision shall be final.

Notice of application to county judge.

2. An owner or occupant applying to the county judge under the preceding section, shall give at least three days' prior written notice thereof, to the company or municipal corporation owning or controlling the road, by leaving the said notice with the person in charge of the toll-gate or gates on the said road, in respect to which commutation is sought, and the notice shall state the name of the applicant in full, his place of residence, occupation, and post-office address, and the time and place at which the application will be made.

County judge to hear and determine question summarily.

3. The county judge, on proof of the due service of said notice, shall, at the time and place mentioned therein, hear the parties to the application and take evidence on oath, if required, and shall forthwith dispose of the matter in a summary way, and shall give his decision thereon in writing to such of the parties as shall apply for the same.

Matters to be considered by judge.

4. The decision of the judge shall, as far as practicable, be based upon (*a*) an approximate estimate of the amount of toll paid by the applicant during the twelve months next preceding the application; (*b*) the number of horses, or other animals and vehicles owned or used by the applicant, in respect of which toll may be demanded; (*c*) the distance from the said gate at which the property owned or occupied by the applicant is situated.

Pass to be given on payment of amount fixed by judge.

5. Upon the production of the order of the county judge fixing the amount to be paid by the applicant by way of commutation, as aforesaid, and on payment of the amount named in the said order or upon payment of the amount agreed upon as the case may be, the company or corporation owning or controlling the road shall give to the person so commuting, a ticket or pass for the toll-gate in respect of which commutation has been made, and upon the production of such ticket or pass by the person named therein, or by his servants, or the members of his family, all vehicles, horses, and other animals, in respect of which toll would otherwise be payable, if owned by, or in the possession of the person commuting, as aforesaid, shall be permitted to pass through the said gate without payment of toll during the period for which commutation has been made.

Penalty for transferring pass, etc.

6. Any person who fraudulently transfers a pass given under the provisions of this Act, or who uses or attempts to use the same so as to enable vehicles, horses, or other animals, other than those mentioned in the preceding section, to pass through any toll-gate or over any toll-road, without payment of toll, shall be liable on summary conviction thereof to a fine of not less than $5 and not more than $20, or to imprisonment for any period not exceeding thirty days.

No. 95.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The General Road Companies' Act.

First Reading, 14th April, 1893.

Mr. WOOD,
(*Brant.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 96.] BILL. [1893.

An Act respecting the Sarnia Consumers' Gas Company, and to change its name to The Sarnia Gas and Electric Light Company.

Preamble.

WHEREAS the Sarnia Consumers' Gas Company has by its petition prayed for the passing of an Act to amend, as hereinafter set forth, an Act respecting the said Company, passed in the fifty-third year of Her present Majesty's reign, chaptered 133, and also to change its name to The Sarnia Gas and Electric Light Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed.

1. The name of the Company is hereby changed from The Sarnia Consumers' Gas Company to "The Sarnia Gas and Electric Light Company," but such change in name shall not in any way impair, alter or effect the rights or liabilities of the company.

53 Vict., chap. 133, preamble amended.

2. The preamble of the said Act passed in the fifty-third year of Her present Majesty's reign, chaptered 133, is amended by striking out the word "under" in the twenty-seventh line, and substituting the word "above" in lieu thereof.

53 Vict., chap. 133, sec. 2 amended.

3. Section 2 of the said Act is amended by striking out the word "under" in the seventh line, and substituting the word "above" in lieu thereof, and by striking out all the words after the word "lights" in the nineteenth line to the end of said section, and substituting the words "at any time previously to its being requested to do so by the said Corporation" in lieu thereof.

No. 96.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting The Sarnia Consumers' Gas Company, and to change its name to The Sarnia Gas and Electric Light Company.

First Reading, 1893.

(Private Bill.)

Mr. MACKENZIE,
(*Lambton W.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 97.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. Section 533*a* of *The Consolidated Municipal Act, 1892*, is amended by adding the following sub-sections :— 55 V., c. 42, s. 533*a* amended.

(10) In the case of united counties, each county, of such united counties, shall be liable for the share or percentage of construction, and maintenance of bridges of 100 feet in length or more (as are mentioned in sub sections (1) (*a*) and (*b*) of section 533 of *The Consolidated Municipal Act 1892*) as are within the boundaries of each such county. Liability of united counties for construction and maintenance of bridges.

(11) The council of the united counties shall, in the first instance, pay any sum which may be agreed upon by such council, or awarded to be paid in respect of such bridges, and the said amount shall be levied in the following year, by the county liable for the same and be paid over to the treasurer of the united counties on or before the 31st day of December of the year in which it is levied and collected. County liable to levy rate. Amount due.

No. 97.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th April, 1893.

Mr. RAYSIDE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 98.] BILL. [1893.

An Act to amend The Real Property Limitation Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 1 of section 1 of chapter 60, of the Revised Statutes of Ontario, 1887, is amended by adding to clause (*b*) of said sub-section, in the fifth line of said sub-section, the words "except upon the covenants contained in an indenture of mortgage," and by adding at the end of the said sub-section the following clause, "(*h*) actions upon any covenant contained in an indenture of mortgage, within ten years after the cause of such actions arose." Rev. Stat. c. 60, s. 1, sub-sec. 1.

2. This Act shall go into effect on the first day of July, 1894. Time of commencement of Act.

No. 98.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Real Property Limitation Act.

First Reading, 17th April, 1893.

Mr. BARR,
(*Dufferin*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 99.] BILL. [1893.

An Act to facilitate the Registry of Mortgages and to reduce the expenses thereof.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mortgages not registered in full.

1. When a mortgagee or his solicitor marks on the back of any mortgage the words "not to be registered in full," the registrar shall register the mortgage in all particulars as heretofore, except making a copy of such mortgage.

Copies of mortgages in full may be obtained.

2. Any mortgagee or other person interested may have the mortgage copied out at full length, at any time, by paying the usual fees.

Fees.

3. The fees payable hereunder shall be as follows:—

For registration of any mortgage not including more than five distinct parcels of land having a separate heading in the abstract index, $1, where said mortgage is not copied.

For each additional lot or part of lot thereafter requiring entry to be made under a separate heading in the abstract index, 5 cents.

For a full discharge or partial discharge not requiring to be indexed against more than 5 lots, 50 cents, for each additional lot requiring to be indexed separately 3 cents.

Registry offices to which this Act is to apply.

4. This Act shall not apply to any registry office where the gross fees in the official year next preceding such registration shall have been less than $1,000.

No. 99.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to facilitate the Registry of Mortgages and to reduce the expenses thereof.

First Reading, 17th April, 1893.

Mr. MONK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 100.] BILL. [1893.

An Act to further amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat., c. 151, s. 6 repealed.

1. Section 6 of *The Pharmacy Act*, as amended by section 3 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 25, is repealed and the following is substituted therefor :—

Elections of members subsequent to the first.

(6) An election of the members of the council shall be held on the first Wednesday in July in every second year, and the persons qualified to vote at the election shall be such persons as are duly qualified members of the said college residing and carrying on the business of retail chemists and druggists under the provisions of the Act for their own use and benefit in the territorial division in which they vote and are liable to pay the annual fee of $4 and are not in default in respect of any fees payable by them under the Act. Provided, however, that where an incorporated city is divided so as to form two territorial divisions, and the person qualified to vote as aforesaid resides in one of such divisions and carries on his said business in the other of such divisions, he shall vote in the division in which he carries on his business.

Rev. Stat. c. 151, s. 8 repealed.

2. Section 8 of *The Pharmacy Act* as amended by section 4 of the said Act passed in the 52nd year of Her Majesty's reign, is repealed and the following substituted therefor :—

Sittings of the Council.

(8) The council shall hold at least three sittings in every year, on the second Tuesday in January and on the first Tuesday in June and October, for general business and for the purpose of granting certificates of competency at such place as they may by resolution appoint, of which due notice shall be given for at least one month in two daily newspapers published in the city of Toronto.

Rev. Stat. c. 157, s. 4, sub-s. 2 repealed.

3. Sub-section 2 of section 4 of *The Pharmacy Act* as enacted by section 1 of the said amending Act is repealed and the following substituted therefor :—

(2) The said thirteen members shall be selected from among those members of the college who are actively engaged on their own account and as proprietors in the occupation of retail pharmaceutical chemists and who are not in default in respect of any fees payable by them under the Act and each

member shall be a resident of and shall be elected by the duly qualified members of the college residing and carrying on business in the territorial division according to the provisions of section 6 of this Act.

Rev. Stat. c. 151, s. 9 amended.

4. Section 9 of *The Pharmacy Act* is amended by inserting after the word "college" in the eighth line thereof the words "and for the discipline, suspension or expulsion for cause of any student of the college."

Rev. Stat. c. 151, s. 12 repealed.

5.—(1) Section 12 of *The Pharmacy Act* as amended by section 7 of the said amending Act is repealed and the following substituted therefor, namely :—

Qualification of persons desiring to serve apprenticeships.

12. Every person who may be desirous of becoming apprenticed as aforesaid shall before the term of his apprenticeship begins to run, for the purposes of this Act, pay to the registrar the sum of $1 and furnish him with a certificate or other evidence satisfactory to the council showing that he either

(*a*) Possesses a degree in arts (not an honorary degree) from some recognized university, or

(*b*) Has already matriculated in the faculty of arts or the faculty of law or the faculty of medicine in the University of Toronto or some other university in Canada, or

(*c*) Is a matriculant in the College of Physicians and Surgeons in Ontario, or

(*d*) Has passed the first, second or third-class departmental non-professional examination in which the Latin option has been taken, and at the same time shall also send to the registrar a specified form of certificate showing that the applicant has entered into a binding contract with a regularly qualified pharmaceutical chemist, who is *bona fide* engaged in and carrying on the business of a retail chemist on his own account and for his own benefit, to serve an apprenticeship for the term of four years, and giving the applicant's age.

Commencement of section.

(2) This section shall not come into force or take effect until the 1st day of June, 1893.

Rev. Stat. c. 151, s. 13 amended.

6. Section 13 of *The Pharmacy Act* is amended by striking out all the words after the word "Act" in the seventh line of the said section and by inserting in lieu of the words so struck out the words "and he shall keep a register of all duly qualified apprentices under this Act."

Rev. Stat. c. 151, s. 15 amended.

7. Section 15 of *The Pharmacy Act* is amended by striking out the words "from the Pharmaceutical Society of Great Britain" in the second and third lines thereof and by inserting

after the word "elsewhere" in the fourth line thereof the words "or holding certificates from any board of pharmacy recognized by the Council of the Ontario College of Pharmacy."

8. Section 26 of *The Pharmacy Act* is amended by adding thereto the following words:— Rev. Stat., c. 151, s. 26 amended.

Provided that nothing herein contained shall in any way apply to or affect the sale of any poison as aforesaid by a pharmaceutical chemist and druggist registered and carrying on business under the provisions of this Act so long as such poison is mentioned or referred to in an order or prescription of a duly qualified medical practitioner delivered to such chemist and druggist for the purpose of being filled, compounded or dispensed in the usual course of his business.

9. Part 1 of schedule "A" to *The Pharmacy Act*, is amended by adding thereto the following words: "Cyanide of potassium, Oil penny royal, Oil tansey." Rev. Stat. c. 151, schedule "A," amended.

10. Part 2 of schedule "A," to the said Act is amended by striking out the words "cyanide of potassium," and by adding thereto the following words: "Mercury and compounds thereof except corrosive sublimate." Rev. Stat. c. 151, schedule "A," amended.

11. *The Pharmacy Act* is amended by adding thereto the following section:— Rev. Stat. c. 151, amended.

"35. Where the word 'person' occurs in sections 24, 26, 27, 28, 29 and 30 of this Act, it shall extend to and include any 'body corporate.'" Meaning of "person" in certain sections.

12. By-law number 10 of the Ontario College of Pharmacy, passed by the council of the said college in pursuance of subsection 3 of section 4 of the said Act, is hereby amended in so far as the terms of same are inconsistent herewith, and all such parts of the Act as shall be applicable to said by-law shall form part of same and shall be incorporated and read therewith. By-law No. 10 of College of Pharmacy amended.

No. 100.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to further amend The Pharmacy Act

First Reading, 17th April, 1893.

Mr. McKay,
(*Oxford*).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 100.] BILL. [1893.

An Act to further amend The Pharmacy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 6 of *The Pharmacy Act*, as amended by section 3 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 25, is repealed and the following is substituted therefor :— Rev. Stat., c. 151, s. 6 repealed.

(6) An election of the members of the council shall be held on the first Wednesday in July in every second year, and the persons qualified to vote at the election shall be such persons as are duly qualified members of the said college residing and carrying on the business of retail chemists and druggists under the provisions of the Act for their own use and benefit in the territorial division in which they vote and are liable to pay the annual fee of $1 and are not in default in respect of any fees payable by them under the Act. Provided, however, that where an incorporated city is divided so as to form two territorial divisions, and the person qualified to vote as aforesaid resides in one of such divisions and carries on his said business in the other of such divisions, he shall vote in the division in which he carries on his business. Elections of members subsequent to the first.

2. Section 8 of *The Pharmacy Act* as amended by section 4 of the said Act passed in the 52nd year of Her Majesty's reign, is repealed and the following substituted therefor :— Rev. Stat. c. 151, s. 8 repealed.

(8) The council shall hold at least three sittings in every year, on the second Tuesday in January and on the first Tuesday in June and October, for general business and for the purpose of granting certificates of competency at such place as they may by resolution appoint, of which due notice shall be given for at least one month in two daily newspapers published in the city of Toronto. Sittings of the Council.

3. Sub-section 2 of section 4 of *The Pharmacy Act* as enacted by section 1 of the said amending Act is repealed and the following substituted therefor :— Rev. Stat. c. 157, s. 4, sub-s. 2 repealed.

(2) The said thirteen members shall be selected from among those members of the college who are actively engaged on their own account and as proprietors in the occupation of retail pharmaceutical chemists and who are not in default in respect of any fees payable by them under the Act and each

member shall be a resident of and shall be elected by the duly qualified members of the college residing and carrying on business in the territorial division according to the provisions of section 6 of this Act.

Rev. Stat. c. 151, s. 9 amended.

4. Section 9 of *The Pharmacy Act* is amended by inserting after the word "college" in the eighth line thereof the words "and for the discipline, suspension or expulsion for cause of any student of the college."

Rev. Stat. c. 151, s. 12 repealed.

5.—(1) Section 12 of *The Pharmacy Act* as amended by section 7 of the said amending Act is repealed and the following substituted therefor, namely:—

Qualification of persons desiring to serve apprenticeships.

12. Every person who may be desirous of becoming apprenticed as aforesaid shall before the term of his apprenticeship begins to run, for the purposes of this Act, pay to the registrar the sum of $1 and furnish him with a certificate or other evidence satisfactory to the council showing that he either

(*a*) Possesses a degree in arts (not an honorary degree) from some recognized university, or

(*b*) Has already matriculated in the faculty of arts or the faculty of law or the faculty of medicine in the University of Toronto or some other university in Canada, or

(*c*) Is a matriculant in the College of Physicians and Surgeons in Ontario, or

(*d*) Has passed the first, second or third-class departmental non-professional examination in which the Latin option has been taken, and at the same time shall also send to the registrar a specified form of certificate showing that the applicant has entered into a binding contract with a regularly qualified pharmaceutical chemist, who is *bona fide* engaged in and carrying on the business of a retail chemist on his own account and for his own benefit, to serve an apprenticeship for the term of four years, and giving the applicant's age.

Commencement of section.

(2) This section shall not come into force or take effect until the 1st day of June, 1893.

Rev. Stat. c. 151, s. 13 amended.

6. Section 13 of *The Pharmacy Act* is amended by striking out all the words after the word "Act" in the seventh line of the said section and by inserting in lieu of the words so struck out the words "and he shall keep a register of all duly qualified apprentices under this Act."

Rev. Stat. c. 151, s. 15 amended.

7. Section 15 of *The Pharmacy Act* is amended by inserting after the word "elsewhere" in the fourth line thereof the words "or holding certificates from any board of pharmacy recognized by the Council of the Ontario College of Pharmacy."

8. Section 26 of *The Pharmacy Act* is amended by adding thereto the following words :— Rev. Stat., c. 151, s. 26 amended.

Provided that nothing herein contained shall in any way apply to or affect the sale of any poison as aforesaid by a pharmaceutical chemist and druggist registered and carrying on business under the provisions of this Act so long as such poison is mentioned or referred to in an order or prescription of a duly qualified medical practitioner delivered to such chemist and druggist for the purpose of being filled, compounded or dispensed in the usual course of his business.

9. *The Pharmacy Act* is amended by adding thereto the following section :— Rev. Stat. c. 151, amended.

Sale of patent medicines.

35. Nothing in this Act contained shall extend to, interfere with or affect the making or dealing in any patent or proprietary medicine : Provided always that on the petition of the council of the College of Pharmacy or any licensed medical practitioner, the Provincial Board of Health shall cause to be made a full and sufficient analysis of such patent or proprietary medicine, by the official analyst or some other competent person, and if on such analysis it appears that such patent or proprietary medicine contains any of the poisons mentioned in any of the schedules to this Act to an extent that renders their use dangerous to health or life, the said board of health shall forthwith submit the report of the said analyst, together with their report thereon, to the Lieutenant-Governor in Council, and on the receipt of such report, notice thereof shall be given in the *Ontario Gazette*, and thereafter the provisions of this Act with respect to poisons shall apply to such patent or proprietary medicine.

10. Part 1 of schedule "A" to *The Pharmacy Act*, is amended by adding thereto the following words : "Cyanide of potassium, Oil penny royal, Oil tansey." Rev. Stat. c. 151, schedule "A," amended.

11. Part 2 of schedule "A," to the said Act is amended by striking out the words "cyanide of potassium." Rev. Stat. c 151, schedule "A," amended.

Corporations engaging in business as druggists.

12. No incorporated body whose officers and stockholders are not duly registered chemists and druggists under the provisions of the said Act, can engage in the business of a druggist or chemist under section 24 of the said Act.

13. By-law number 10 of the Ontario College of Pharmacy, passed by the council of the said college in pursuance of subsection 3 of section 4 of the said Act, is hereby amended in so far as the terms of same are inconsistent herewith, and all such parts of the Act as shall be applicable to said by-law shall form part of same and shall be incorporated and read therewith. By-law No. 10 of College of Pharmacy amended.

Procedure at elections to council.

☞**14**. The registrar shall forward to each member of the College entitled to vote a ballot paper printed for the division in which he is entitled to vote. The voter shall designate his choice of one candidate only, by placing opposite his name a cross, thus X, and deliver it to the registrar so that it may be received by him on or before the day of election. Any ballot paper received by the registrar, by post, during the time aforesaid, shall be deemed as delivered to him for the purpose of the election. Papers received after day of election are not to be counted, but the registrar shall keep them in a parcel by themselves, marked "too late." The registrar shall keep the ballot papers received by him on or before the day of the election in the envelopes unopened, until demanded by the scrutineers for count. The registrar shall prepare a list alphabetically arranged by territorial divisions and in order of their surnames, of all members of the college entitled to vote at the election, and hand it to the scrutineers with the ballot papers. ☜

No. 100.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to further amend The Pharmacy Act

First Reading, 17th April, 1893.
Second " 24th " 1893.

(*Reprinted as amended by Special Committee.*)

Mr. McKay,
(*Oxford*).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 101.] BILL. [1893.

An Act Respecting Embalming.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Embalmers' Act.*

Who are to compose "The Registered Embalmers of Ontario."

2. All persons who shall cause their names to be registered under the provisions of this Act, shall be, and are hereby constituted a body politic and corporate under the name and style of "The Registered Embalmers of Ontario" (hereinafter called the corporation) having a perpetual succession and a common seal.

Power to hold real estate.

3. The corporation shall have the power to acquire, hold and dispose of personal property and real estate for the purposes of this Act, and to sue and be sued in the manner usual with such corporations; provided always, that the corporation shall only have power to acquire and hold such real estate as shall not at any time exceed an annual value of $5,000.

Power to give instruction and grant certificates of efficiency.

4.—(1) The corporation is hereby empowered to promote and increase by all lawful ways and means the knowledge, skill and proficiency of its members in all things relating to the business or calling of an embalmer, and to that end to establish classes, lectures and examinations and prescribe such tests of competence, fitness and moral character as may be thought expedient to qualify for admission to membership, and to grant diplomas and certificates of efficiency, and to authorize its members to use the distinguishing title "Registered Embalmer," or the letters "R. E." (Registered Embalmer of Ontario) as a guarantee of competency.

Power to organize school and hold examinations.

(2) The corporation may also prescribe for students of embalming, who may desire to become members of the corporation, such examinations and may grant to them such certificates of competence as it sees fit; and may organize the said students into a school of embalming and organic chemistry, in affiliation with itself, for study and mutual improvement.

Corporation may make by-laws.

5. The corporation, in general and special meeting assembled after due notice, may make by-laws for carrying out its objects, and may vary, alter or repeal the same from time to time; and after the first set of by-laws has been made no new one shall be made nor shall any by-law be altered or repealed except by a two-thirds vote of the members present at a meet-

ing of the corporation, and only after at least one month's notice of the proposed alteration or repeal shall have been given to each member of the corporation.

Executive council.

6. The affairs, business and concerns of the corporation shall be managed by a council of nine who shall be appointed and elected in the manner hereinafter provided; immediately at the close of the annual meeting at which the vacancies caused by the retirement of members of the council have been filled, the council shall meet and choose from among themselves a president, a vice-president, a secretary, a treasurer, and such other officers as may be provided for by the by-laws. In the event of the president's office becoming vacant, the vice-president shall become president of the corporation for the remainder of the term. The council shall have power to fill all other vacancies among the officers or members of the council, which appointments shall only hold good until the time of the holding of the next annual meeting. The council shall also have power to remove from office any officer for misconduct or other just cause and to appoint a successor for the remainder of the term.

Entrance and annual fees.

7.—(1) The corporation may fix an entrance fee and an annual fee or subscription to be paid by members of the corporation, and may vary the amount from time to time; and no member shall be personally liable for any debt of the corporation beyond the amount of his unpaid fees or subscription as aforesaid.

Examination fees.

(2) The council may also prescribe examination fees to be paid by all applicants for examination.

First council.

8.—(1) The council shall be composed of nine persons who shall in the first instance be appointed by the Lieutenant-Governor in Council within one month after the passing of this Act, and shall be British subjects, both residing and practising the profession of embalming within the said Province for at least five years before the passing of this Act; the members of the said council so appointed shall meet in the city of Toronto, in the county of York, for the purpose of organization within one month after appointment at such time and place as may be directed by proclamation in the *Ontario Gazette*.

(2) Any five members of the council shall form a quorum.

Term of office of first council.

(3) The members of the council so appointed by the Lieutenant-Governor in Council, shall hold office for the following terms respectively: the first three names mentioned for the term of three years; the second three names mentioned for the term of two years; and the third and last three names mentioned for the term of one year.

Election of council.

(4) All subsequent members of the council shall be elected by voting papers in such manner as may be provided for by the by-laws of the corporation at the annual meeting of the

said corporation, or at a special meeting called for that purpose, and the member or members obtaining the greatest number of votes shall de declared elected.

Who eligible to be elected.

(5) No person shall be eligible for election to the council or qualified to fill any vacancy thereon, or to vote for any member thereof, unless duly qualified under the provisions of this Act and the by-laws of the association.

Term of office.

(6) All elected members of the council shall hold office for the term of three years except as herein provided and five shall form a quorum

Enquiry in case.

(7) In case of any doubt or dispute as to who has or have been elected a member or members of the council, it shall be lawful for the other duly elected members to be, and they are hereby constituted a committee to hold an enquiry and decide who, if any, is or are a legally elected member or members of the council, and the person or persons, if any, whom they decide to have been elected, shall be, and shall be deemed to be the member or members legally elected, and if the election is found to be illegal such committee shall have the power to order a new election.

Election improper.

Annual meeting.

9.—(1) The annual meeting of the members of the corporation for the election of the council, and for such other business as may be brought before such meeting, shall be held at such time and place and under such regulations and notices as the by-laws of the corporation shall provide; and in default of such election being held at the proper time, the existing officers and council shall continue to act until their successors shall be duly appointed.

Other meetings.

(2) Other meetings of the corporation and council shall be held at such time and place as may be fixed by the by-laws of the corporation or council respectively, and in the absence of any rule or regulation as to the summoning of meetings of the corporation, or of the council, it shall be lawful for the president, or in his absence or death, for the secretary to summon the same at such time and place as to such officer may seem fit, by circular letter to be mailed to each member.

Vice-president in absence of president to preside.

10. In the event of the absence of the president from any meeting, the vice-president, or in his absence, any other member to be chosen from among the members of the council present shall act as president.

Quorum at meeting of council and corporation.

11. All questions submitted to the corporation or council shall be decided by the majority of the members present, not being less than five in number in case of the council, and twenty in number in case of the corporation.

President to have casting vote.

12. At all meetings the president for the time being shall have a casting vote only.

Payment to members of council.

13. There shall be paid the members of the council such fees for attendance and such reasonable travelling expenses as may be fixed by the by-laws passed by the corporation at the annual meeting. The council shall also have the power to fix by by-law the salary or fees to be paid to the officers and to any examiners that may be appointed.

Who may be registered.

14.—(1) Any person who for the six months prior to the passage of this Act shall have regularly practised embalming may become a member of the corporation by causing his name to be registered with the secretary of the corporation within three months after the appointment of such secretary and by paying to the corporation a fee not exceeding two dollars.

(2) In case any such person as aforesaid omits to be registered within the said period of three months through absence, illness, or inadvertence, such person may at the discretion of the council be admitted and enrolled as a registered embalmer.

Council may admit persons holding diplomas of English or American School of Embalming.

15. The council may by a vote of two-thirds of the members thereof admit to membership in the corporation without examination such persons as hold diplomas of proficiency in any school of embalming in Great Britain or in the United States, and such others as may, by reason of their general reputation and standing in the profession, be deemed qualified for membership in the same.

Qualification as to age of person admitted.

16. Any other persons who apply for admission into the corporation as registered embalmers after the coming into force of this Act, shall not be less than twenty-one years of age, and shall have passed such qualifying examinations as may be prescribed from time to time by the corporation, before becoming entitled to a certificate under this Act.

Register of names to be kept.

17.—(1) The council shall cause to be kept by the secretary a book or register, in which shall be entered in alphabetical order the names of all members in good standing; and those members only, whose names are inscribed in the book or register aforesaid shall be deemed entitled to the privileges of membership in the corporation; and such book or register shall at all times be subject to inspection by any person free of charge.

Such register to be evidence.

(2) Such register or copy of the same duly certified by the secretary, shall be *prima facie* evidence in all courts, and before all persons, that the persons therein specified are members of the corporation in good standing, and the absence of the name of any person from such book shall be *prima facie* evidence that such person is not a member of the corporation.

Term of diplomas and certificates.

18. The corporation shall have the power to limit the term of all diplomas and certificates granted by it to one year from the date of granting the same, together with all the other privi-

leges of membership, from any person who neglects to pay the prescribed fees when they are due and so long as such neglect continues.

Unqualified person not to use title "Registered Embalmer."

19. From and after the passing of this Act no person shall be entitled to take or use the name or title of "registered embalmer, or the letters "R. E.," either alone or in combination with any other words or letters, or any name, title, or description implying that he is a member of the corporation, unless he be a member in good standing, and registered as such; any person using the said name or title contrary to the provisions of this section shall be liable on summary conviction to a fine not exceeding twenty-five dollars for the first offence, and not exceeding one hundred dollars for each subsequent offence.

Suspending and expelling members.

20. The corporation may by by-law provide for the suspension or expulsion of any member for misconduct or violation of the rules or by-laws of the corporation, on complaint and after due enquiry.

Recovery of fees and penalties.

21.—(1) All fees payable under this Act may be recovered as ordinary debts due to the corporation, and all penalties under this Act may be recovered and enforced before one or more justices of the peace in manner directed by the Revised Statutes of Canada, Chapter 178, entitled *The Summary Convictions Act*, and any Act amending the same.

(2) Any sum or sums of money received from convictions and recovery of penalties as aforesaid, shall be paid immediately on the recovery thereof by the convicting magistrate to the treasurer of the corporation.

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties as may be expedient towards the payment of such prosecutor.

No claim on corporation on termination of membership.

22. If any member ceases to be a member of the corporation, he shall not, nor shall his representatives have any interest in, or any claim against the funds or property of the corporation.

No 101.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Embalming.

First Reading, 18th April, 1893.

Mr. McMahon.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 102.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 495 of *The Consolidated Municipal Act, 1892*, is amended by striking out the first three lines thereof and inserting the following in lieu thereof : 55 V., c. 42, s. 495 amended.

495. The council of any county, city and town separated from the county for municipal purposes, and for the purpose of the provisions of sub-section three of this section, towns not separated from counties may pass by-laws for the following purposes :

No. 102.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 18th April, 1893.

Mr. McMahon.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 103.] **BILL.** [1893.

An Act to amend The Agriculture and Arts' Act.

HER MASESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Sub-section 1 of section 81 of *The Agriculture and Arts' Act*, is repealed and the following substituted therefor :— Rev. Stat. c. 39, s. 81, sub-s. 1, replaced.

(1) The municipal council of any city, town, village, county or township in this Province, may grant money or land in aid of the Agriculture and Arts' Association or of any duly organized agricultural or horticultural society, coming within the provisions of this Act, being within the limits of the municipality or within any adjoining municipality; and, if such grant is to enable the said society to acquire lands within the limits of the said municipality, or within any adjoining municipality, such municipality may hold the lands so acquired as security for the amount of such grant, and any such grant heretofore made shall be legal and valid. Aid from municipal counties.

No. 103.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Agriculture and Arts' Act.

First Reading, 18th April, 1893.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 103.] **BILL.** [1893.

An Act to amend The Agriculture and Arts' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Sub-section 1 of section 81 of *The Agriculture and Arts' Act*, is repealed and the following substituted therefor :— Rev. Stat. c. 39, s. 81, sub-s. 1, repelaed.

(1) The municipal council of any city, town, village, county or township in this Province, may grant money or land in aid of the Agriculture and Arts' Association or in aid of any duly organized agricultural society, coming within the provisions of this Act, being within the limits of the municipality or within any adjoining municipality; and, if such grant is to enable the said society to acquire lands within the limits of the said municipality, or within any adjoining municipality, such municipality may hold the lands so acquired or a mortgage thereon, as security for the amount of such grant, and any such grant heretofore made shall be legal and valid. Provided that the total amount or value of the money or land granted by any municipality to an agricultural society under this section shall not exceed, in the case of a city, $3,000, in the case of a township or town, $2,000, and in the case of a village, $500. Aid from municipal counties.

No. 103.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Agriculture and Arts' Act.

First Reading, 18th April, 1893.
Second " 10th May, 1893.

(Reprinted as amended by Municipal Committee.)

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 104.] **BILL.** [1893.

An Act to amend The Consolidated Assessment Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 64 of *The Consolidated Assessment Act, 1892* is amended by adding at the end thereof the following words: "and shall give a name and address where notices can be served by the clerk as hereinafter provided." 55 V., c. 48, s. 64, sub-sec. 1 amended.

2. Sub-section 3 of section 64 of the said Act is hereby repealed and the following substituted therefor:— 55 V., c. 48, s. 64, sub-sec. 3 repealed.

"(3) If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, he may, within the time limited by the preceding sub-section, give notice in writing to the clerk of the municipality (or assessment commissioner as the case may be) and to the person appealed against, and in such notice shall give the name and address of the person appealed against, which may be the address given in the assessment roll if no other is known to the appellant, and the address of the party appealing, and the clerk shall give notice to the party appealing and to the party appealed against, and also to the assessor, of the time when the matter will be tried by the court of revision, and the matter shall be decided in the same manner as a complaint by a person assessed." When elector thinks any person assessed at too high or too low a rate.

3. Sub-section 10 and 11 of said section 64 are repealed, and the following substituted for sub-section 10:— 55 V. c. 48, s. 64, sub-ss. 10, 11 repealed.

(10) The clerk shall cause the notice to be left at the address given in the notice lodged with the said clerk, both for the person appealing and the person or persons appealed against. Service of notice of sitting of court of revision on appellant, etc.

4. Sub-section 2 of section 68 of the said Act is amended by inserting after the word "judge," in the fifth line thereof, the following words: "and giving an address where papers may be served upon him, and in case of his appealing against another person, then also the address of the person against whom such appeal is to be made." 55 V., c. 48, s. 68 sub-s. 2, amended.

55 V., c. 48, s. 73 amended.

5. Section 73 of the said Act is amended by inserting after the word "attendance," in the second line thereof, the following words: "including the costs of preparing and serving the notices required to be served by the clerk or assessment commissioner as hereinbefore provided."

55 V., c. 48, s. 124 amended.

6. Section 124 of the said Act is amended by striking out the words "the property of or in the possession of any other occupant of the premises," in the thirteenth and fourteenth lines thereof.

No. 104.

3rd Session, 7th Legislature, 56 Vict. 1893.

BILL.

An Act to amend The Consolidated Assessment Act, 1892.

First Reading, 18th April, 1893.

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 105.] **BILL.** [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 303 of *The Consolidated Municipal Act, 1892*, is amended by adding after the word "roll," in the seventh line thereof, the following words: "or last revised voters' list." 55 V. c. 42, s. 303, amended.

2. Sub-section 1 of section 308 of the said Act is amended by adding after the word "freeholder," in the twelfth line thereof, the following words: "or shown by the last revised voters' list as owner." 55 V. c. 42, s. 308, sub-s. 1, amended.

3. Sub-section 1 of section 309 of the said Act is amended by inserting after the word "therefor," in the thirteenth line thereof, the following words: "or shown by the last revised voters' list to be such leaseholder." 55 V. c. 42, s. 309, amended.

4. Section 436 of the said Act is amended by inserting the words "and the drivers thereof" after the word "therein," in the seventh line thereof. 55 V. c. 42, s. 436, amended.

5. Section 162 of the said Act is amended by striking out all the words in the said section after the word "jurisdiction" in the fifth line, and inserting in lieu thereof the following words: "may cause them to be destroyed." 55 V. c. 42, s. 162, amended.

6. Any municipal council which has passed a by-law under the provisions of section 625 of *The Consolidated Municipal Act, 1892*, directing that all future expenditure in the municipality for the improvement or services or for any class or classes of improvement or service for which special provisions are made in sections 612 and 629 of the said Act shall be by special assessment on the property benefited and not exempt by law from assessment, may, notwithstanding the passing of such by-law, exempt from the provisions thereof any work, improvement or service, which, in the opinion of two-thirds of all the members of the council should be paid for wholly or in part out of the general funds of the municipality and may determine what portion or proportion of the cost of the said work, improvement or service should be so defrayed. Power to exempt particular classes of work from general local improvement by-law.

No. 105.

3rd Session, 7th Legislature, 56 Vict, 1893

BILL.

An Act to amend The Municipal Act.

First Reading, 18th April, 1893.

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 106.] **BILL.** [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Sub-section 2 of section 497 of *The Consolidated Municipal Act 1892*, is amended by inserting after the word "poultry" in the second line, the words "or any other article or commodity the growth or product of the farm or garden, other than the the articles mentioned in sub-section 1, of this section." 55 V.c. 42, s. 497 sub-s. 2, amended.

No. 106.

3rd Session, 7th Legislature, 56 Vict., 1883.

BILL.

An Act to amend The Municipal Act.

First Reading, 18th April, 1893.

Mr. McCLEARY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 107] BILL. [1893.

An Act to establish the Algonquin National Park of Ontario.

WHEREAS it is expedient and in the public interest that a national park and forest reservation should be set apart and established in the territory lying near and enclosing the head waters of the Muskoka, Madawaska, Amable du Fond and Petawawa and South rivers; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Algonquin National Park Act.* Short title.

2. The tract of land comprising the following townships, being the lands of the Crown, and lying within the Nipissing district, that is to say, Peck, Hunter, Devine, Biggar, Wilkes, Canisbay, McLaughlin, Bishop, Osler, Pentland, Sproule, Bower, Freswick, Lister, Preston, Dickson, Anglin, and Deacon, is hereby withdrawn from sale, settlement and occupancy under the provisions of *The Public Lands Act, The Free Grants and Homesteads Act,* and *The Mines Act, 1892.* Boundaries of park. Rev. Stat. c. 24. Rev. Stat. c. 25. 55 V. c. 9.

3. The said tract of land is hereby reserved and set apart as a public park and forest reservation, fish and game preserve, health resort and pleasure ground for the benefit, advantage and enjoyment of the people of the Province, subject to the provisions of this Act and of the regulations hereinafter mentioned, and shall be known as the Algonquin National Park of Ontario. Dedication of park.

4. No person shall, except as hereinafter provided, locate, settle upon, use or occupy any portion of the said public park. Lands not to be located or settled upon.

5. The park shall be under the control and management of the Department of Crown Lands, and the Lieutenant-Governor in council may make regulations for the following purposes:— Control of park. regulations.

(*a*) The care, preservation, management and improvement of the park, and of the watercourses, lakes, trees and shrubbery, minerals, natural curiosities and other matters therein contained. Care and preservation.

(*b*) The lease for any term of years of such parcels of land in the park as he deems advisable, for the construction of Leasing lots for erection of buildings.

buildings for ordinary habitation, and such other buildings as may be necessary for the accommodation of visitors or persons resorting to the park as a sanitarium or health or summer resort.

Issuing timber licenses.

(*c*) The issuing of licenses to cut timber within the limits of the park in respect of timber berths heretofore sold, and for the improvement of the park, and for firewood for the use of persons engaged in and about the park.

Mining.

(*d*) The working of mines and the developing of mining interests within the limits of the park, and the issuing of licenses or permits of occupation for the said purposes; but no lease, license or permit shall be made, granted or issued under this or the next two preceding paragraph of this section which will in any way impair the usefulness of the park for the purposes for which it is designed.

Fires.

(*e*) The prevention and extinguishment of fires.

Licensing shops and inns.

(*f*) The issuing of licenses for shops, and for houses for the accommodation of visitors and places where trade and industries necessary for the accommodation of persons resorting to the park may be carried on.

Preservation of game and fish.

(*g*) The preservation and protection of game and fish, of wild birds generally and of any and all animals in the park, and for the destruction of wolves, bears and other noxious or injurious or destructive animals.

Trespassers with firearms.

(*h*) The removal and exclusion of trespassers, and the confiscation or destruction of guns or other firearms or explosives, traps, nets, spears or other weapons or implements for hunting or fishing found within the limits of the park without proper authority.

Appointment of superintendent and wardens.

(*i*) The appointment of a superintendent and wardens, rangers, or other officers to see to the carrying out of the provisions of this Act and the regulations made thereunder, and the prescribing of their powers and duties, and providing for their salaries or other remuneration, out of any moneys which may be set apart for the purpose by the Legislature.

Penalties.

(*j*) The imposition of penalties for any violation of the provisions of this Act or of the regulations made thereunder not exceeding in each case the sum of $50, or in default of payment with costs, imprisonment for not more than three months.

General purposes.

(*k*) And generally for all purposes necessary to carry this Act into effect according to the true intent and meaning thereof.

Publication of regulations.

6. Every regulation made as aforesaid shall after publication for four consecutive weeks in the *Ontario Gazette*, and in any other manner that may be prescribed by the Lieutenant-Governor in council, have the like force and effect

as if herein enacted, and such regulations shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter.

Penalty for unauthorized use of fire-arms, hunting, etc.

7. Carrying or using fire arms or explosives within the said park, except as provided by the regulations for the government and maintenance of the park, hunting with or without fire arms, or explosives, or trapping or spearing within the limits of said park, is prohibited under a penalty for each offence not exceeding $100, except under special license for the killing of wolves, bears, wolverines, wild cats, foxes or hawks, to be issued by the Commissioner of Crown Lands upon the recommendation of the superintendent.

Penalty for unauthorized fishing.

8. Fishing with net, trap, spear or night line in the waters within the limits of said park is strictly prohibited under a penalty not exceeding $100 for each offence. No person shall fish within such waters with hook and line without a license therefor and then only for the purpose of supplying food for visitors or officers of the park or rangers or labourers therein employed by or under the control of the superintendent, and no fish caught within the waters of the park shall be sold, bartered or trafficked in, either within or outside its boundaries, under a penalty not exceeding $50 for each offence. Such license may be issued by the Commissioner of Crown Lands or by such other person as shall be duly authorized in that behalf by the Lieutenant-Governor.

Power to arrest on view of offence.

9. The superintendent or any park ranger or provincial constable, or other person appointed by the Lieutenant-Governor for that purpose, may, on view, without warrant or legal process, arrest and bring before a justice or before the superintendent to be dealt with according to law, or he or they or the superintendent may, on view, arrest and remove from the limits of the park, any person found violating the provisions of this Act or carrying or having in his possession fishing nets, traps, spears or night lines, or fire arms or other explosives, or other weapons or instruments for catching or killing fish, other than hook or line, or for the destruction of game or animals.

Seizure, confiscation and sale of weapons or implements.

10. In any of the cases mentioned in the three next preceding sections any of such officers may seize, take possession of and retain or confiscate any such nets, traps, spears, fire arms, explosives, weapons or instruments as aforesaid, or any justice of the peace, police or stipendiary magistrate having jurisdiction in the district may direct or order such seizure, confiscation or sale thereof. Such articles shall be sold in such manner as shall be provided by regulation, and the proceeds thereof, after deducting the necessary expenses, shall be applied towards the expenses of maintaining said park. Such arrest,

removal, seizure or confiscation or sale shall not relieve the offender from any other penalty to which he has rendered himself liable under this Act or otherwise.

Cutting timber.

11. No timber or wood shall be cut within the limits of said park except pine cut under the authority of a timber license issued under the provisions of "the Act respecting timber on public lands," or any regulations made thereunder, or by the authority of the Commissioner of Crown Lands, or under the regulations to be made by the Lieutenant-Governer in Council for the government and maintenance of said park, provided nevertheless that nothing herein contained shall have the effect of withdrawing the pine timber upon such territory from any timber license, nor shall anything herein contained prevent the operation of any Act or regulation passed or made, or which lawfully may be passed or made in respect of any timber license affecting the said territory or the timber thereupon.

Mining exploration.

12. Mining exploration or prospecting for minerals within the said park is prohibited, except under and in accordance with the provisions of the regulations to be made in that behalf.

Territory not withdrawn from operation of 55 V. c. 10, Rev. Stat. c. 221, 55 V. c. 58.

13. Nothing herein contained shall withdraw the said territory comprising the said park nor that within a mile from any part thereof from the operation of "*The Act for the Protection of the Provincial Fisheries*" 1892 or "*The Act for the protection of Game and Fur-bearing animals*" and any Acts amending the same except where it is therein otherwise provided, but the said Acts shall be and remain in force therein unless otherwise provided herein, but the provisions of said several Acts shall in so far as they are applicable apply and be in force, and prosecutions thereunder may be had as heretofore.

Offences to which no special penalty attached.

14. Any person violating any provision of this Act shall, where no penalty is herein or by law otherwise provided, be liable to a penalty not exceeding $50, and in default of payment thereof to imprisonment for a period not exceeding three months with or without hard labor.

Offender's liability for damages.

15. In addition to any penalty provided by this Act for the violation of any of its provisions, the offender or offenders shall be liable for all damages caused by them, and the same may be recovered in any court of competent jurisdiction.

Authority of Superintendent to act as police magistrate.

16. The superintendent shall, within the limits of said park and for one mile from any part thereof, for the purposes of enforcing law and order and the provisions of this Act, and of any regulations which may be made by virtue thereof, have all the powers, rights and privileges of a police magistrate, and

shall have as such superintendent jurisdiction over and within the said park and the territory surrounding the same for the distance of one mile therefrom or from any part thereof, unless and until otherwise provided by the Lieutenant-Governor in Council, or the Lieutenant-Governor in Council may appoint another person as police magistrate with such jurisdiction.

Committal of offenders.

17. Any person arrested for violation of any of the provisions of this Act or of any regulations punishable upon summary conviction by a justice of the peace, stipendiary or police magistrate may, either before or after conviction, be committed to the common gaol or any lock-up within the districts of Nipissing, Parry Sound or Muskoka or the county of Renfrew, whichever may to the committing justice or magistrate appear to be the most convenient.

Imprisonment in default of payment of fine and costs.

18. In default of the payment of any penalty imposed by this Act and costs by any person convicted of any offence under this Act, the offender may be committed to a common gaol or lock-up in the district of Muskoka and Parry Sound or Nipissing or the county of Renfrew for a period not exceeding three months, unless the penalty and costs and the costs and charges of the commitment and carrying the defendant to prison are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison are to be ascertained and stated in the warrant of commitment; but no such commitment or warrant shall be void or be quashed or set aside by reason of such costs being incorrectly stated, but the same shall be amended by the insertion therein at any tage of proceedings of the correct amount.

Complainant and defendant to be competent and compellable witnesses.

19. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant shall also be a competent and compellable witness.

Who may try offences.

20. All prosecutions for the punishment of any offence under this Act, not specifically otherwise provided for, may take place before any stipendiary or police magistrate, or one or more of Her Majesty's justices of the peace having jurisdiction in the district, or over said park while exercising the authority and jurisdiction of a police magistrate; or before the said superintendent.

Application of fines.

21. One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty and may be devoted towards paying the expenses incurred in carrying out the provisions of this Act, and the other half thereof when collected

shall be paid over to the prosecutor or informant, together with any costs which he may have incurred and which may be collected.

Application of Rev. Stat. c. 74, and Rev. Stat. c. 75.

22 Save where otherwise provided by this Act, in so far as they are applicable, the provisions and forms of the Act intituled *An Act respecting summary convictions before Justices of the Peace and Appeals to General Sessions* shall apply to prosecutions and proceedings under this Act except in proceedings on appeal and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter shall be governed by the *Act Respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and no other appeal shall be had or shall lie save under the Act last aforesaid.

No. 107.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to establish The Algonquin National Park of Ontario.

First Reading, 18th April, 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 107] BILL. [1893.

An Act to establish the Algonquin National Park of Ontario.

WHEREAS it is expedient and in the public interest that a national park and forest reservation should be set apart and established in the territory lying near and enclosing the head waters of the Muskoka, Madawaska, Amable du Fond and Petawawa and South rivers; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Algonquin National Park Act.* Short title.

2. The tract of land comprising the following townships, being the lands of the Crown, and lying within the Nipissing district, that is to say, Peck, Hunter, Devine, Biggar, Wilkes, Canisbay, McLaughlin, Bishop, Osler, Pentland, Sproule, Bower, Freswick, Lister, Preston, Dickson, Anglin, and Deacon, is hereby withdrawn from sale, settlement and occupancy under the provisions of *The Public Lands Act, The Free Grants and Homesteads Act,* and *The Mines Act, 1892.* Boundaries of park. Rev. Stat. c. 24. Rev. Stat. c. 25. 55 V. c. 9.

3.—(1) The said tract of land is hereby reserved and set apart as a public park and forest reservation, fish and game preserve, health resort and pleasure ground for the benefit, advantage and enjoyment of the people of the Province, subject to the provisions of this Act and of the regulations hereinafter mentioned, and shall be known as the Algonquin National Park of Ontario. Dedication of park.

(2) The Lieutenant-Governor in Council shall have power to add to the park any adjoining townships or parts of townships in which no lands have heretofore been granted, and in case of any such addition this Act shall be read with respect to such townships or parts of townships as if the same were mentioned in the section 2 of this Act. Lieutenant-Governor may add to park.

4. No person shall, except as hereinafter provided, locate, settle upon, use or occupy any portion of the said public park. Lands not to be located or settled upon.

5. The park shall be under the control and management of the Department of Crown Lands, and the Lieutenant-Governor in council may make regulations for the following purposes:— Control of park. regulations.

(*a*) The care, preservation, management and improvement of the park, and of the watercourses, lakes, trees and shrubbery, minerals, natural curiosities and other matters therein contained. Care and preservation.

Leasing lots for erection of buildings.

(*b*) The lease for any term of years of such parcels of land in the park as he deems advisable, for the construction of buildings for ordinary habitation, and such other buildings as may be necessary for the accommodation of visitors or persons resorting to the park as a sanitarium or health or summer resort.

Issuing timber licenses.

(*c*) The issuing of licenses to cut timber within the limits of the park in respect of timber berths heretofore sold, and for the improvement of the park, and for firewood for the use of persons engaged in and about the park.

Mining.

(*d*) The working of mines and the developing of mining interests within the limits of the park, and the issuing of licenses or permits of occupation for the said purposes; but no lease, license or permit shall be made, granted or issued under this or the next two preceding paragraph of this section which will in any way impair the usefulness of the park for the purposes for which it is designed.

Fires.

(*e*) The prevention and extinguishment of fires.

Licensing shops and inns.

(*f*) The issuing of licenses for shops, and for houses for the accommodation of visitors and places where trade and industries necessary for the accommodation of persons resorting to the park may be carried on.

Preservation of game and fish.

(*g*) The preservation and protection of game and fish, of wild birds generally and of any and all animals in the park, and for the destruction of wolves, bears and other noxious or injurious or destructive animals.

Trespassers with firearms.

(*h*) The removal and exclusion of trespassers, and the confiscation or destruction of guns or other firearms or explosives, traps, nets, spears or other weapons or implements for hunting or fishing found within the limits of the park without proper authority.

Appointment to superintendent and wardens.

(*i*) The appointment of a superintendent and wardens, rangers, or other officers to see to the carrying out of the provisions of this Act and the regulations made thereunder, and the prescribing of their powers and duties, and providing for their salaries or other remuneration, out of any moneys which may be set apart for the purpose by the Legislature.

Penalties.

(*j*) The imposition of penalties for any violation of the provisions of this Act or of the regulations made thereunder not exceeding in each case the sum of $50, or in default of payment with costs, imprisonment for not more than three months.

General purposes.

(*k*) And generally for all purposes necessary to carry this Act into effect according to the true intent and meaning thereof.

Publication of regulations.

6. Every regulation made as aforesaid shall after publication for four consecutive weeks in the *Ontario Gazette*, and in any other manner that may be prescribed by the Lieutenant-Governor in council, have the like force and effect

as if herein enacted, and such regulations shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter.

Penalty for unauthorized use of fire-arms, hunting, etc.

7. Carrying or using fire arms or explosives within the said park, except as provided by the regulations for the government and maintenance of the park, hunting with or without fire arms, or explosives, or trapping or spearing within the limits of said park, is prohibited under a penalty for each offence not exceeding $100, except under special license for the killing of wolves, bears, wolverines, wild cats, foxes or hawks, to be issued by the Commissioner of Crown Lands upon the recommendation of the superintendent.

Penalty for unauthorized fishing.

8. Fishing with net, trap, spear or night line in the waters within the limits of said park is strictly prohibited under a penalty not exceeding $100 for each offence. No person shall fish within such waters with hook and line without a license therefor and then only for the purpose of supplying food for visitors or officers of the park or rangers or labourers therein employed by or under the control of the superintendent, and no fish caught within the waters of the park shall be sold, bartered or trafficked in, either within or outside its boundaries, under a penalty not exceeding $50 for each offence. Such license may be issued by the Commissioner of Crown Lands or by such other person as shall be duly authorized in that behalf by the Lieutenant-Governor.

Power to arrest on view of offence.

9. The superintendent or any park ranger or provincial constable, or other person appointed by the Lieutenant-Governor for that purpose, may, on view, without warrant or legal process, arrest and bring before a justice or before the superintendent to be dealt with according to law, or he or they or the superintendent may, on view, arrest and remove from the limits of the park, any person found violating the provisions of this Act or carrying or having in his possession fishing nets, traps, spears or night lines, or fire arms or other explosives, or other weapons or instruments for catching or killing fish, other than hook or line, or for the destruction of game or animals. The said park rangers shall have all the power and authority of constables.

Seizure, confiscation and sale of weapons or implements.

10. In any of the cases mentioned in the three next preceding sections any of such officers may seize, take possession of and retain or confiscate any such nets, traps, spears, fire arms, explosives, weapons or instruments as aforesaid, or any justice of the peace, police or stipendiary magistrate having jurisdiction in the district may direct or order such seizure, confiscation or sale thereof. Such articles shall be sold in such manner as shall be provided by regulation, and the proceeds thereof, after deducting the necessary expenses, shall be applied towards the expenses of maintaining said park. Such arrest,

removal, seizure or confiscation or sale shall not relieve the offender from any other penalty to which he has rendered himself liable under this Act or otherwise.

Cutting timber.

11. No timber or wood shall be cut within the limits of said park except pine cut under the authority of a timber license issued under the provisions of "the Act respecting timber on public lands," or any regulations made thereunder, or by the authority of the Commissioner of Crown Lands, or under the regulations to be made by the Lieutenant-Governer in Council for the government and maintenance of said park, provided nevertheless that nothing herein contained shall have the effect of withdrawing the pine timber upon such territory from any timber license, nor shall anything herein contained prevent the operation of any Act or regulation passed or made, or which lawfully may be passed or made in respect of any timber license affecting the said territory or the timber thereupon.

Mining exploration.

12. Mining exploration or prospecting for minerals within the said park is prohibited, except under and in accordance with the provisions of the regulations to be made in that behalf.

Territory not withdrawn from operation of 55 V. c. 10, Rev. Stat. c. 221, 55 V. c. 58.

13. Nothing herein contained shall withdraw the said territory comprising the said park nor that within a mile from any part thereof from the operation of "*The Act for the Protection of the Provincial Fisheries*" 1892 or "*The Act for the protection of Game and Fur-bearing animals*" and any Acts amending the same except where it is therein otherwise provided, but the said Acts shall be and remain in force therein unless otherwise provided herein, but the provisions of said several Acts shall in so far as they are applicable apply and be in force, and prosecutions thereunder may be had as heretofore.

Offences to which no special penalty attached.

14. Any person violating any provision of this Act shall where no penalty is herein or by law otherwise provided, be liable to a penalty not exceeding $50, and in default of payment thereof to imprisonment for a period not exceeding three months with or without hard labor.

Offender's liability for damages.

15. In addition to any penalty provided by this Act for the violation of any of its provisions, the offender or offenders shall be liable for all damages caused by them, and the same may be recovered in any court of competent jurisdiction.

Authority of Superintendent to act as police magistrate.

16. The superintendent shall, within the limits of said park and for one mile from any part thereof, for the purposes of enforcing law and order and the provisions of this Act, and of any regulations which may be made by virtue thereof, have all the powers, rights and privileges of a police magistrate, and

shall have as such superintendent jurisdiction over and within the said park and the territory surrounding the same for the distance of one mile therefrom or from any part thereof, unless and until otherwise provided by the Lieutenant-Governor in Council, or the Lieutenant-Governor in Council may appoint another person as police magistrate with such jurisdiction. But nothing in this section shall interfere with the jurisdiction of other magistrates.

Committal of offenders.

17. Any person arrested for violation of any of the provisions of this Act or of any regulations punishable upon summary conviction by a justice of the peace, stipendiary or police magistrate may, either before or after conviction, be committed to the common gaol or any lock-up within the districts of Nipissing, Parry Sound or Muskoka or the county of Renfrew, whichever may to the committing justice or magistrate appear to be the most convenient.

Imprisonment in default of payment of fine and costs.

18. In default of the payment of any penalty imposed by this Act and costs by any person convicted of any offence under this Act, the offender may be committed to a common gaol or lock-up in the district of Muskoka and Parry Sound or Nipissing or the county of Renfrew for a period not exceeding three months, unless the penalty and costs and the costs and charges of the commitment and carrying the defendant to prison are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison are to be ascertained and stated in the warrant of commitment; but no such commitment or warrant shall be void or be quashed or set aside by reason of such costs being incorrecty stated, but the same shall be amended by the insertion therein, at any stage of proceedings, of the correct amount.

Complainant and defendant to be competent and compellable witnesses.

19. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant shall also be a competent and compellable witness.

Who may try offences.

20. All prosecutions for the punishment of any offence under this Act, not specifically otherwise provided for, may take place before any stipendiary or police magistrate, or one or more of Her Majesty's justices of the peace having jurisdiction in the district *of Nipissing*, or before the said superintendent, or other person appointed under the authority of this Act.

Application of fines.

21. One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty and may be devoted towards paying the expenses incurred in carrying out the provisions of this Act, and the other half thereof when collected

shall be paid over to the prosecutor or informant, together with any costs which he may have incurred and which may be collected. But nothing herein shall entitle the superintendent or rangers or other of the park employees to a share of, or to participate in any fine or penalty.

Application of Rev. Stat. c. 74, and Rev. Stat. c. 75.

22 Save where otherwise provided by this Act, in so far as they are applicable, the provisions and forms of the Act intituled *An Act respecting summary convictions before Justices of the Peace and Appeals to General Sessions* shall apply to prosecutions and proceedings under this Act except in proceedings on appeal and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter shall be governed by the *Act Respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and no other appeal shall be had or shall lie save under the Act last aforesaid.

No. 107.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to establish The Algonquin National Park of Ontario.

First Reading, 18th April, 1893.
Second " 9th May, 1893.

(*Reprinted as amended in Committee of the Whole House.*)

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 107] BILL. [1893.

An Act to establish the Algonquin National Park of Ontario.

Preamble.

WHEREAS it is expedient and in the public interest that a national park and forest reservation should be set apart and established in the territory lying near and enclosing the head waters of the Muskoka, Madawaska, Amable du Fond and Petawawa and South rivers;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Algonquin National Park Act.*

Boundaries of park.

2. The tract of land comprising the following townships being the lands of the Crown, and lying within the Nipissing district, that is to say, Peck, Hunter, Devine, Biggar, Wilkes, Canisbay, McLaughlin, Bishop, Osler, Pentland, Sproule, Bower, Freswick, Lister, Preston, Dickson, Anglin, and Deacon, is hereby withdrawn from sale, settlement and occupancy under the provisions of *The Public Lands Act, The Free Grants and Homesteads Act*, and *The Mines Act, 1892.*

Rev. Stat. c. 24.
Rev. Stat. c. 25.
55 V. c. 9.

Dedication of park.

3.—(1) The said tract of land is hereby reserved and set apart as a public park and forest reservation, fish and game preserve, health resort and pleasure ground for the benefit, advantage and enjoyment of the people of the Province, subject to the provisions of this Act and of the regulations hereinafter mentioned, and shall be known as the Algonquin National Park of Ontario.

Lieutenant-Governor may add to park.

(2) The Lieutenant-Governor in Council shall have power to add to the park any adjoining townships or parts of townships in which no lands have heretofore been granted, and in case of any such addition this Act shall be read with respect to such townships or parts of townships as if the same were mentioned in the section 2 of this Act.

Lands not to be located or settled upon.

4. No person shall, except as hereinafter provided, locate, settle upon, use or occupy any portion of the said public park.

Control of park. regulations.

5. The park shall be under the control and management of the Department of Crown Lands, and the Lieutenant-Governor in council may make regulations for the following purposes:—

Care and preservation.

(*a*) The care, preservation, management and improvement of the park, and of the watercourses, lakes, trees and shrubbery, minerals, natural curiosities and other matters therein contained.

Leasing lots for erection of buildings.

(*b*) The lease for any term of years of such parcels of land in the park as he deems advisable, for the construction of buildings for ordinary habitation, and such other buildings as may be necessary for the accommodation of visitors or persons resorting to the park as a sanitarium or health or summer resort.

Issuing timber licenses.

(*c*) The issuing of licenses to cut timber within the limits of the park in respect of timber berths heretofore sold, and for the improvement of the park, and for firewood for the use of persons engaged in and about the park.

Mining.

(*d*) The working of mines and the developing of mining interests within the limits of the park, and the issuing of licenses or permits of occupation for the said purposes; but no lease, license or permit shall be made, granted or issued under this or the next two preceding paragraph of this section which will in any way impair the usefulness of the park for the purposes for which it is designed.

Fires.

(*e*) The prevention and extinguishment of fires.

Licensing shops and inns.

(*f*) The issuing of licenses for shops, and for houses for the accommodation of visitors and places where trade and industries necessary for the accommodation of persons resorting to the park may be carried on.

Preservation of game and fish.

(*g*) The preservation and protection of game and fish, of wild birds generally and of any and all animals in the park, and for the destruction of wolves, bears and other noxious or injurious or destructive animals.

Trespassers with firearms.

(*h*) The removal and exclusion of trespassers, and the confiscation or destruction of guns or other firearms or explosives, traps, nets, spears or other weapons or implements for hunting or fishing found within the limits of the park without proper authority.

Appointment to superintendent and wardens.

(*i*) The appointment of a superintendent and wardens, rangers, or other officers to see to the carrying out of the provisions of this Act and the regulations made thereunder, and the prescribing of their powers and duties, and providing for their salaries or other remuneration, out of any moneys which may be set apart for the purpose by the Legislature.

Penalties.

(*j*) The imposition of penalties for any violation of the provisions of this Act or of the regulations made thereunder not exceeding in each case the sum of $50, or in default of payment with costs, imprisonment for not more than three months.

General purposes.

(*k*) And generally for all purposes necessary to carry this Act into effect according to the true intent and meaning thereof.

Publication of regulations.

6. Every regulation made as aforesaid shall after publication for four consecutive weeks in the *Ontario Gazette*, and in any other manner that may be prescribed by the Lieutenant-Governor in council, have the like force and effect

as if herein enacted, and such regulations shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter.

Penalty for unauthorized use of fire-arms, hunting, etc.

7. Carrying or using fire arms or explosives within the said park, except as provided by the regulations for the government and maintenance of the park, hunting with or without fire arms, or explosives, or trapping or spearing within the limits of said park, is prohibited under a penalty for each offence not exceeding $100, except under special license for the killing of wolves, bears, wolverines, wild cats, foxes or hawks, to be issued by the Commissioner of Crown Lands upon the recommendation of the superintendent.

Penalty for unauthorized fishing.

8. Fishing with net, trap, spear or night line in the waters within the limits of said park is strictly prohibited under a penalty not exceeding $100 for each offence. No person shall fish within such waters with hook and line without a license therefor and then only for the purpose of supplying food for visitors or officers of the park or rangers or labourers therein employed by or under the control of the superintendent, and no fish caught within the waters of the park shall be sold, bartered or trafficked in, either within or outside its boundaries, under a penalty not exceeding $50 for each offence. Such license may be issued by the Commissioner of Crown Lands or by such other person as shall be duly authorized in that behalf by the Lieutenant-Governor.

Power to arrest on view of offence.

9. The superintendent or any park ranger or provincial constable, or other person appointed by the Lieutenant-Governor for that purpose, may, on view, without warrant or legal process, arrest and bring before a justice or before the superintendent to be dealt with according to law, or he or they or the superintendent may, on view, arrest and remove from the limits of the park, any person found violating the provisions of this Act or carrying or having in his possession fishing nets, traps, spears or night lines, or fire arms or other explosives, or other weapons or instruments for catching or killing fish, other than hook or line, or for the destruction of game or animals. The said park rangers shall have all the power and authority of constables.

Seizure, confiscation and sale of weapons or implements.

10. In any of the cases mentioned in the three next preceding sections any of such officers may seize, take possession of and retain or confiscate any such nets, traps, spears, fire arms, explosives, weapons or instruments as aforesaid, or any justice of the peace, police or stipendiary magistrate having jurisdiction in the district may direct or order such seizure, confiscation or sale thereof. Such articles shall be sold in such manner as shall be provided by regulation, and the proceeds thereof, after deducting the necessary expenses, shall be applied towards the expenses of maintaining said park. Such arrest,

removal, seizure or confiscation or sale shall not relieve the offender from any other penalty to which he has rendered himself liable under this Act or otherwise.

Cutting timber.

11.—(1) No timber or wood shall be cut within the limits of said park except pine cut under the authority of a timber license issued under the provisions of "the Act respecting timber on public lands," or any regulations made thereunder, or by the authority of the Commissioner of Crown Lands, or under the regulations to be made by the Lieutenant-Governer in Council for the government and maintenance of said park, provided nevertheless that nothing herein contained shall have the effect of withdrawing the pine timber upon such territory from any timber license, nor shall anything herein contained prevent the operation of any Act or regulation passed or made, or which lawfully may be passed or made in respect of any timber license affecting the said territory or the timber thereupon.

Rights of timber license

(2) A timber license over or in respect of any territory or lands being part of the said Park shall not entitle the holder thereof to exclusive possession of such land or territory as against the Crown or the agents or servants thereof, nor shall any such license exempt the holder thereof, his agents or employees, from the prohibitions relating to fishing or hunting or the carrying or using of fire arms within the limits of the said Park.

Mining exploration.

12. Mining exploration or prospecting for minerals within the said park is prohibited, except under and in accordance with the provisions of the regulations to be made in that behalf.

Sale of intoxicating liquors within the park.

Rev. Stat. c. 194.

13. No license for the sale of intoxicating liquors within said Park shall be issued, and any intoxicating liquor found within the limits of the said Park and held for the purpose of sale contrary to the provisions of *The Liquor License Act* may be seized and destroyed by any Park ranger or by any constable or license inspector having authority within the District of Nipissing, and the said rangers shall have all the powers and authority of a license inspector for the purpose of enforcing the provisions of *The Liquor License Act* therein and the provisions of this Act

Territory not withdrawn from operation of 55 V. c. 10, Rev. Stat. c. 221, 55 V. c. 58.

14. Nothing herein contained shall withdraw the said territory comprising the said park nor that within a mile from any part thereof from the operation of "*The Act for the Protection of the Provincial Fisheries*" 1892 or "*The Act for the protection of Game and Fur-bearing animals*" and any Acts amending the same except where it is therein otherwise provided, but the said Acts shall be and remain in force therein unless otherwise provided herein, but the provisions of said

several Acts shall in so far as they are applicable apply and be in force, and prosecutions thereunder may be had as heretofore.

Offences to which no special penalty attached.

15. Any person violating any provision of this Act shall where no penalty is herein or by law otherwise provided, be liable to a penalty not exceeding $50, and in default of payment thereof to imprisonment for a period not exceeding three months with or without hard labor.

Offender's liability for damages.

16. In addition to any penalty provided by this Act for the violation of any of its provisions, the offender or offenders shall be liable for all damages caused by them, and the same may be recovered in any court of competent jurisdiction.

Authority of Superintendent to act as police magistrate.

17. The superintendent shall, within the limits of said park and for one mile from any part thereof, for the purposes of enforcing law and order and the provisions of this Act, and of any regulations which may be made by virtue thereof, have all the powers, rights and privileges of a police magistrate, and shall have as such superintendent jurisdiction over and within the said park and the territory surrounding the same for the distance of one mile therefrom or from any part thereof, unless and until otherwise provided by the Lieutenant-Governor in Council, or the Lieutenant-Governor in Council may appoint another person as police magistrate with such jurisdiction. But nothing in this section shall interfere with the jurisdiction of other magistrates.

Committal of offenders.

18. Any person arrested for violation of any of the provisions of this Act or of any regulations punishable upon summary conviction by a justice of the peace, stipendiary or police magistrate may, either before or after conviction, be committed to the common gaol or any lock-up within the districts of Nipissing, Parry Sound or Muskoka or the county of Renfrew, whichever may to the committing justice or magistrate appear to be the most convenient.

Imprisonment in default of payment of fine and costs.

19. In default of the payment of any penalty imposed by this Act and costs by any person convicted of any offence under this Act, the offender may be committed to a common gaol or lock-up in the district of Muskoka and Parry Sound or Nipissing or the county of Renfrew for a period not exceeding three months, unless the penalty and costs and the costs and charges of the commitment and carrying the defendant to prison are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison are to be ascertained and stated in the warrant of commitment; but no such commitment or warrant shall be void or be quashed or set aside by reason of such costs being incorrecty stated, but the same shall be amended by the insertion therein, at any stage of proceedings, of the correct amount.

Complainant and defendant to be competent and compellable witnesses.

20. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant shall also be a competent and compellable witness.

Who may try offences.

21. All prosecutions for the punishment of any offence under this Act, not specifically otherwise provided for, may take place before any stipendiary or police magistrate, or one or more of Her Majesty's justices of the peace having jurisdiction in the district of Nipissing, or before the said superintendent, or other person appointed under the authority of this Act

Application of fines.

22. One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty and may be devoted towards paying the expenses incurred in carrying out the provisions of this Act, and the other half thereof when collected shall be paid over to the prosecutor or informant, together with any costs which he may have incurred and which may be collected. But nothing herein shall entitle the superintendent or rangers or other of the park employees to a share of, or to participate in any fine or penalty.

Application of Rev. Stat. c. 74, and Rev. Stat. c. 75.

23 Save where otherwise provided by this Act, in so far as they are applicable, the provisions and forms of the Act intituled *An Act respecting summary convictions before Justices of the Peace and Appeals to General Sessions* shall apply to prosecutions and proceedings under this Act except in proceedings on appeal and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter shall be governed by the *Act Respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and no other appeal shall be had or shall lie save under the Act last aforesaid.

No. 107.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to establish The Algonquin National Park of Ontario.

First Reading, 18th April, 1893.
Second " 9th May, 1893.

(*Reprinted as again amended in Committee of the Whole House.*)

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 108.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 38 of *The Consolidated Municipal Act 1892*, is amended by inserting therein after the word "county" in the fourteenth line thereof, the words, "and the persons to be elected as hereinafter mentioned by the council of any town in the said county, separated therefrom for municipal purposes." 55 V.c. 42, s. 38, amended.

2. The said section is further amended by adding thereto the following as sub-section (2) thereof. 55 V.c. 42, s. 38, amended.

(2) The council of a town situate in the said junior county but separated therefrom for municipal purposes, at a meeting duly called for that purpose after the issue of the said proclamation and before the time appointed therein for holding the first meeting of the provisional council, shall elect from among the members of the said council, as many representatives to the said provisional council as the said town would be entitled to if not separated from the county for municipal purposes, and the persons so elected shall until the final dissolution of the union by proclamation as hereinafter provided, be members of the provisional council in the same manner and to the same extent as the reeves and deputy-reeves in the junior county. Representation of separated towns in provisional council.

3. Sub-section 1 of section 48 of the said Act, is amended by inserting therein after the word "county," in the third line thereof the words, "except the members of the provisional council elected by the council of any town separated from the county for municipal purposes. 55 V.c. 42, s. 48, sub-s. 1, amended.

No. 108.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th April, 1893.

Mr. CAMPBELL,
(Durham.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 109.] BILL. [1893.

An Act to prevent Fraud in the Sale of Milk.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Penalty for selling adulterated or deteriorated milk.

1. Any person who knowingly and fraudulently sells or supplies to any person any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or who keeps back any part of the milk known as "strippings," or who knowingly and fraudulently sells or supplies to any person milk that is tainted or partly sour from want of proper care in keeping clean and sweet, pails, strainers, or any vessel in which said milk is kept, shall for every offence forfeit and pay a sum not less than $1 nor more than $50, in the discretion of the justices before whom the case is heard: Provided, however, that this shall not prevent the sale of skimmed milk by any person if the fact that the same is skimmed is made known to the person to whom such milk is being sold.

Proviso.

Who may hear complaints.

2. Any two or more justices of the peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals or the hands and seals of any two of them, and the penalty, when recovered, shall be paid over by such justices, one-half to the person complaining, and one-half to the treasurer of the municipality, district or place where the offence has been committed; and in default of payment or sufficient distress, the offender may by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such justices, or any two of them, unless such penalty, costs and the charges of commitment are sooner paid.

Application of penalties.

Imprisonment on default of payment.

Civil remedy of persons aggrieved.

3. Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the court in which such action is brought.

No. 109.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to prevent Fraud in the Sale of Milk.

First Reading, 19th April, 1893.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 109.] BILL. [1893.

An Act to prevent Fraud in the Sale of Milk.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Council of city or town may declare Act in force therein.

☞ **1.** The council of any city or town may by by-law declare that from and after the passing of such by-law this Act shall be in force in such city or town and thereupon the following sections shall take effect and be in force therein. ☜

Penalty for selling adulterated or deteriorated milk.

2. Any person who knowingly and fraudulently sells or supplies to any person any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or who keeps back any part of the milk known as "strippings," or who knowingly and fraudulently sells or supplies to any person milk that is tainted or partly sour from want of proper care in keeping clean and sweet, pails, strainers, or any vessel in which said milk is kept, shall for every offence forfeit and pay a sum not less than $1 nor more than $50 *and costs*, in the discretion of the justices before whom the case is heard: Provided, however, that this shall not prevent the sale of skimmed milk by any person if the fact that the same is skimmed is made known to the person to whom such milk is being sold.

Proviso.

Who may hear complaints.

3. Any two or more justices of the peace *or any police magistrate* having jurisdiction within the *municipality* where the offence has been committed, may hear and determine such complaint, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals or the hands and seals of any two of them, and in default of payment or sufficient distress, the offender may by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such justices, or any two of them, unless such penalty, costs and the charges of commitment are sooner paid.

Application of penalties.

Imprisonment on default of payment.

Civil remedy of persons aggrieved.

4. Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the court in which such action is brought.

No. 109.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to prevent Fraud in the Sale of Milk.

First Reading, 19th April, 1893.
Second " 15th May, 1893.

(Reprinted as amended by Municipal Committee.)

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 109.] BILL. [1893.

An Act to prevent Fraud in the Sale of Milk.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act to apply to cities and towns only.

1. This Act shall apply to cities and towns only.

Council of city or town may declare Act in force therein.

2. The council of any city or town may by by-law declare that from and after the passing of such by-law this Act shall be in force in such city or town and thereupon, *and not otherwise*, the following sections *of this Act* shall take effect and be in force therein.

Penalty for selling adulterated or deteriorated milk.

3. Any person who knowingly and fraudulently sells or supplies to any person any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or who keeps back any part of the milk known as "strippings," or who knowingly and fraudulently sells or supplies to any person milk that is tainted or partly sour from want of proper care in keeping clean and sweet, pails, strainers, or any vessel in which said milk is kept, shall for every offence forfeit and pay a sum not less than $1 nor more than $50 *and costs*, in the discretion of the justices before whom the case is heard: Provided, however, that this shall not prevent the sale of skimmed milk by any person if the fact that the same is skimmed is made known to the person to whom such milk is being sold.

Proviso.

Who may hear complaints.

4. Any two or more justices of the peace *or any police magistrate* having jurisdiction within the *municipality* where the offence has been committed, may hear and determine such complaint, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals or the hands and seals of any two of them, and in default of payment or sufficient distress, the offender may by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such justices, or any two of them, unless such penalty, costs and the charges of commitment are sooner paid.

Application of penalties.

Imprisonment on default of payment.

Civil remedy of persons aggrieved.

5. Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the court in which such action is brought.

No. 109.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to prevent Fraud in the Sale of Milk.

First Reading, 19th April, 1893.
Second " 15th May, 1893.

(*Reprinted as amended by Committee of the Whole House.*)

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 110.] **BILL.** [1893.

An Act to amend The Public Health Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 3 of section 106 of *The Public Health Act* is amended by inserting the words "or of any local board of health" after the words "Provincial board of health," in the second line of the said sub-section, and by substituting "$50" for "$20," in the third line of said sub-section. Rev. Stat. c. 205, s. 106 sub-s. 3 amended.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Public Health Act

First Reading, 19th April, 1893.

Mr. Ryerson.

TORONTO:
Printed by L. K. Cameron,
Print to the Queen's Most Excellent Majesty.

No. 111.] BILL. [1893.

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the province of Ontario enacts as follows:—

1. Section 6 of *The Ditches and Watercourses Act* is amended by striking out all of said section following the fourteenth line thereof. Rev. Stat. c. 220, s. 6 amended.

2. Sub-section 2 of section 8 of said Act is hereby repealed. Rev. Stat. c. 220, s. 8 ub-s. 2 led.

No. 111.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ditches and Water-courses Act.

First Reading 19th April, 1893.

Mr. WHITNEY.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 112] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the province of Onlario, enacts as follows:—

Section 509 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "the majority" in the first line thereof, and substituting therefor the words "one-third." 55 V. c. 42, s. 509 amended.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th April, 1893.

Mr. WHITNEY.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 113.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The enactments contained in the schedule to this Act shall be in force in every municipality in this Province except in so far as they shall be altered, amended or repealed by the Council thereof. Enactments in schedule to be in force until altered by by-law.

SCHEDULE.

1. The treasurer shall keep a book to be known as the "cash-book," on the left-hand page of which he shall enter in consecutive order all sums of money received by him, the dates of the receipt thereof, the names of the persons from whom and on what account the same were received and the amounts thereof, and on the right-hand page of which he shall in like order enter all moneys paid out by him, the dates of the payment thereof, the persons to whom and on what account the same were paid and the amounts thereof.

2. The cash-book shall at all times be open for inspection by any member of the council and by the auditors, and shall be produced and exhibited at all meetings of the council, and at the times of such meeting it shall show the balance on hand in two items—that is to say, (1) the balance in bank; and (2) the balance in the hands of the treasurer, and the treasurer shall also produce and exhibit at every such meeting his bank book verifying the balance in bank.

3. No entry other than a cash entry shall be made in the cash-book, but the treasurer shall keep a book to be known as the "journal," in which he shall duly enter all debits and credits not consisting of cash.

4. The term "cash" shall mean lawful currency of Canada, cheques and such other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

5. The treasurer shall open an account in the name of the municipality in such of the chartered banks of Canada as shall be approved of by the council, and shall deposit all moneys which shall be received by him to the credit of such account, and the moneys so deposited shall not be withdrawn except by cheque signed by the treasurer and countersigned by the head of the corporation, and every such cheque shall be consecutively numbered, and shall show on its face the purpose for which it is drawn and the number of the by-law authorizing the payment where the payment is made under the authority of a by-law.

6. The cash-book and journal shall be provided at the expense, and shall be the property of, the municipality.

No. 113.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th April, 1893.

Mr. MEREDITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 114.] BILL. [1893.

An Act to amend The Consolidated Municipal Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 636(*a*) of *The Consolidated Municipal Act, 1892*, is amended by striking out the word "one-half" in the fifth line of the said section and inserting the word "two-thirds" in lieu thereof. 55 V. c. 42, s. 636(*a*) amended.

No. 114.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th April, 1893.

Mr. GILMOUR.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 115.] BILL. [1893.

An Act to amend The Land Titles Act,

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the Act passed in the 52nd year of Her Majesty's reign chaptered 20, is amended by adding thereto the following as section 6*a*:— 52 V. c. 20, s. 6 amended.

6*a*. Every person who is required to lodge with the master or local master a plan or map of any survey or sub-division of land in any city or town, shall at the same time deposit with the said master or local master a duplicate of such plan or map, and the registrar shall endorse thereon a certificate showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the master or local master to the treasurer or assessment commissioner of the municipality upon request, and without any fee being chargeable in respect thereof. The provisions of the foregoing section of this Act shall not apply to any plan or map, a duplicate of which has been deposited as required by this section, but in case of neglect or refusal to comply with the provisions hereof, the penalty mentioned in the said section shall become payable. Registering plans in cities and towns.

No. 115.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Land Titles Act.

First Reading, 19th April, 1893.

Mr. CLARKE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 116.] BILL. [1893.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 55 of *The Registry Act* is amended by adding the following sub-section thereto:— Rev. Stat. c. 114, s. 55.

(1) Every registrar shall, immediately after the expiration of each month, furnish to the clerk of each municipality or the assessment commissioner, a list of all deeds or instruments whereby property is transferred, and in such list shall include the names of the grantor, the grantee, the consideration shown in such transfer and a short description of the land conveyed.

No. 116.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Registry Act.

First Reading, 19th April, 1893.

Mr. CLARKE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 116.] **BILL.** [1893.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 55 of *The Registry Act* is amended by adding the following sub-section thereto:— Rev. Stat. c. 114, s. 55, amended.

Registrar to furnish clerk or assessment commissioner with list of conveyances.

☞(1) The registrar shall, upon request, furnish to the clerk or the assessment commissioner of a city, a list of all absolute conveyances whereby property has been transferred, which have been registered in his office during the next preceding month, and in such list shall include the names of the grantor, the grantee, the consideration shown in such transfer, and a short description of the land conveyed; provided that such list shall not include leases for less than twenty-one years, mortgages, discharges of mortgage, or other like instruments, and that the registrar shall be entitled to have and receive therefor a fee of five cents for every instrument included in said list.☜

No. 116.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Registry Act.

First Reading, 19th April, 1893.
Second Reading, 8th May, 1893.

(Reprinted as amended by Select Committee.)

Mr. CLARKE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 117.] BILL. [1893.

An Act to incorporate the Strathroy and Western Counties Railway Company.

WHEREAS Charles Grist, gentleman; James Cox, butcher; Cyrus Birrel, brewer; William J. Dyas, druggist; Donald M. Cameron, merchant; William Geddes, merchant; and Richard Pincombe, manufacturer, all of the town of Strathroy in, the county of Middlesex; J. A. McLeay, of the village of Watford, in the county of Lambton, physician, and George M. Everest, of the village of Arkona, in the county of Lambton, druggist, have by their petition prayed for an Act of incorporation under the name of the Strathroy and Western Counties Railway Company, for the purpose of constructing and operating a steam or electric railway or railways from the town of Strathroy southerly to some points at or near the city of St. Thomas, and from the town of Strathroy northerly through the village of Arkona to the main line of the Grand Trunk railway at the town of Parkhill or the town of Forest, or some point between the said last-mentioned towns, and westerly from the town of Strathroy through the town of Petrolia to the town of Sarnia, or some point near thereto; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Charles Grist, James Cox, Cyrus Birrel, William J. Dyas, Donald M. Cameron, William Geddes, Richard Pincombe, J. A. McLeay and George M. Everest, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of The Strathroy and Western Counties Railway Company. Incorporation.

2. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity," and "fines and penalties and their prosecution," are incorporated in and shall form part of this Act, except only in so far as they are inconsistent with the express enactments hereof and are hereinafter expressly excepted, and the expression "this Act," Certain provisions of Rev. Stat. c. 170, incorporated.

when used herein, shall include the said clauses of *The Railway Act of Ontario*; provided however that section 30 of the said *Railway Act* shall not apply to any portion of the said railway or railways which may run along or upon any highway.

Proviso.

Location of line.

3. The said company and their servants and agents are hereby authorized and empowered to construct, maintain and operate a steam or electric railway or railways, or railway or railways operated partly by steam power and partly by electric power, with double or single iron or steel tracks, with one or more branch or branches and with all necessary side tracks and turn-outs for the passage of carriages and other vehicles adapted to the same, from some point at or near the town of Strathroy through the townships of Carodoc, Delaware and Southwold to some point in or near the city of St. Thomas, and from the said point at or near the town of Strathroy through the townships of Adelaide, Warwick and Bosanquet and the village of Arkona to the main line of the Grand Trunk railway at the town of Forest or the town of Parkhill, or to some point on the said Grand Trunk railway between the said last-mentioned towns, and from the town of Strathroy through the towhships of Adelaide or Caradoc, and the townships of Metcalfe, Brooke, Enniskillen, Moore and Sarnia or some or any of said townships, and the town of Petrolia to the town of Sarnia or some point near thereto, with power to build and operate any part or branch of the said railway or railways in sections, and if the railway or railways, or any branch or section thereof, shall be operated by electric power, the same may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereinafter to be made between the council of any of the said corporations and the said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force of such motive power as they are hereby authorized to employ in the operation of the said railway or railways, and may construct and maintain all necessary works, buildings and appliances, machinery and conveniences necessary therefor and connected therewith, and may make and enter into any agreement with any municipal council or road company as to the terms of occupying any street or highway.

Occupation of highways.

Guage.

4. The said railway or railways may be of any guage.

Provisional directors.

5. Charles Grist, James Cox, Cyrus Birrel, William J. Dyas, Donald M. Cameron, William Geddes, Richard Pincombe, J. A. McLeay, and George M. Everest, shall be and are hereby constituted a board of provisional directors of the said company,

of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under this Act.

Powers of provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway or railways or any portion or section thereof.

Rev. Stat. 170.

Capital stock.

7. The capital stock of the company, hereby incorporated, shall be $200,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 8,000 shares of $25 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act, and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality in or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock,

Subscriptions not binding till approved.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid therein within one month after subscription.

First election of directors.

9. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion of Canada, having an office in Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and in at least one newspaper published in the town of Strathroy, of the time and place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of their shares, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board; and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Qualification of directors.

11. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the said company upon which all calls have been paid.

General meetings.

12. The head office of the company shall be at the town of Strathroy, and the general annual meetings of the shareholders of the company shall be held at the said town, on such days and at such times as may be directed by the by-laws of the company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one newspaper published in the town of Strathroy.

Special general meetings.

13. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the company, such sums as they may deem expedient to engineers and contractors, or for right of way, or material, plant, or rolling stock, and also where sanctioned by a vote of the shareholders, at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking or for the purchase of the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Transfer of shares.

15. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificate issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Rights of aliens.

16. Aliens, as well as British subjects and corporations may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Calls.

17. The directors may from time to time make calls as they may think fit, provided that no call shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call by advertisement in the *Ontario Gazette* and in one newspaper in the town of Strathroy.

Fares.

18. Subject to the terms of any agreement with a municipal corporation, the company may charge fares at the rate of three cents per mile, provided that no fare shall be less than five cents.

Power to collect back charges on goods.

19. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and in payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all rights and remedies of such persons for such charges.

Grants of land to company.

20. Any municipality through which the railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of

way, station grounds, or other purposes connected with the traffic or running of the railway, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to exempt company from taxation.

21. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passess or in which it is situated by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporations, and for such term of years as such municipal council may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Use of highways by company.

22. In case the company shall desire to construct a railway operated by electric power, any municipality through which the railway passes and having jurisdiction in the premises may pass a by-law or by-laws empowering the company to make their roads and lay their rails along any of the highways within such municipality, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the company, and it shall and may be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation, or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the company.

Aid from municipalities.

23. Any municipality, or any portion of a township municipality which may be interested in securing the construction of the railway, or through any part of which or near which the railway works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company under and subject to the provisions hereinafter contained ; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

24. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council present thereof, and fifty resident freeholders being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bonds, or lots and concessions, and shall be that of a majority of the council of such township municipality not fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-laws what to contain.

25. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality as the case may be mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of such debentures or the application of the amount to be raised thereby as may be expressed by the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Council to pass by-law approved by ratepayers.

26. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

27. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rate in portion of municipality.

28. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for the payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of municipal Acts as to by-laws.

29. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by the whole municipality.

Council may extend time for commencement of work.

30. The councils for all corporations that may grant aid by way of bonus to the company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated by the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a larger period than one year.

Proviso.

Council may extend time for completion.

31. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, and they shall have full power to extend the time for the completion of the works (on the completion of which the said company will be entitled to such bonus) from time to time, provided that no such extension shall be for a larger period than one year at a time.

Proviso.

Rate not exceeding three cents in the dollar valid.

32. Any municipality or portion of a township municipality interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes inclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Proviso.

Provisions for referring disputes as to bonus by laws to arbitration.

33. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-lay upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and

upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference. The said council shall forthwith refer the said petition to three arbitrators; one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situated, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county as the arbitrators shall order.

"Minor municipality", meaning of.

34. The term "minor municipality" shall be construed to mean any town not separated from the municipal county township or incorporated village situated in the county municipality.

Acquiring land for stations, gravel-pits, etc.

35. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway; and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only the company may purchase, hold and use and enjoy such lands and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. C. 170.

Acquiring gravel etc., for construction and repair of railway.

36. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands in which the same are situated for the purchase thereof cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, the award, and the notice of arbitration, and the tender of the compensation shall have the same effect, as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of

this section as to the obtaining the materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they may think necessary, the notice of arbitration in case arbitration is resorted to to state the interest required.

Sidings to gravel-pits, etc.

37.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land in which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers of this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of maintaining and repairing the said railway.

Rev. Stat. c. 170.

Rev. Stat., chap. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Issues of debentures.

38. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of proceeds of debentures.

39. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Strathroy and Western Counties Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and of the certificate of the chief engineer of the said company for the time being in the form set out in schedule "A" hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

40. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

41. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, person or persons, for leasing, hiring, or use of any locomotives, electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreement with electric light companies.

42. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company.

Telegraph and telephone lines.

43. The company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and

protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company, provided that the telephone line shall be used exclusively for the purposes of the business of the said company.

Proviso.

Agreements for amalgamation with other companies.

44. The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canada Southern Railway Company, and such other railways or any or either of them as may be lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Proviso.

Running arrangements with other railways.

45. The company shall have power to agree for connection and making running arrangements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canada Southern Railway Company, and any other company lawfully authorized to enter into such arrangements or agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway companies or any or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring of any locomotives, tenders, electric motors, carriages, cars, rolling stock, plant or other property of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders, voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line, but nothing in this section or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

46. The company shall have power to purchase land for, and to erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold additional property.

47. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all, the sum of $10,000 for each mile of the railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Issue of bonds.

48 The said company shall have power to become parties to promissory notes and bills of exchange, for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under a quorum of directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments. Proviso.

49. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the premises of this Act to issue for the construction of the said railway. Mortgaging lands for advances.

50. Conveyances of land to the said company for the purposes of, and powers given by this Act made in the form set forth in schedule "B" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and suffi- Form of conveyances.

cient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Carriage of fruit and milk.

51. The company may make special rates for the carriage of fruit and milk.

Commencement and completion of line.

52. The railway shall be commenced within three years, and finally completed within six years after the passing of this Act.

SCHEDULE "A."

(Section 39.)

Chief Engineer's Certificate.

The Strathroy and Western Counties Railway Company's Office.

No. *Engineer's Department* *A.D. 189* .

Certificate to be attached to cheques drawn on the Strathroy and Western Counties Railway Company, Municipal Trusts Account, given under section chapter 56 of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I *A. B.*, Chief Engineer of the Strathroy and Western Counties Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trusts the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE "B."

(*Section 50.*)

Know all men by these presents, that I, (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Strathroy and Western Counties Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or* those certain parcels, as the case may be) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Strathroy and Western Counties Railway Company, their successors and assigns forever, (*here insert any other clauses or conditions, and covenants required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A. D. 189 .

Signed, sealed and delivered in the presence of } { L. S. }

No. 117.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Strathroy and Western Counties Railway Company

First Reading, , 1893.

(Private Bill.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 117.] **BILL.** [1893.

An Act to incorporate The Strathroy and Western Counties Railway Company.

Preamble.

WHEREAS Charles Grist, gentleman ; James Cox, butcher ; Cyrus Birrel, brewer ; William J. Dyas, druggist ; Donald M. Cameron, merchant ; William Geddes, merchant ; and Richard Pincombe, manufacturer, all of the town of Strathroy in, the county of Middlesex ; J. A. McLeay, of the village of Watford, in the county of Lambton, physician, and George M. Everest, of the village of Arkona, in the county of Lambton, druggist, have by their petition prayed for an Act of incorporation under the name of The Strathroy and Western Counties Railway Company, for the purpose of constructing and operating a steam or electric railway from the town of Strathroy, in the county of Middlesex, southerly to a point at or near the city of St. Thomas, in the county of Elgin, and from the said town of Strathroy, northerly to and through the village of Arkona to either the town of Parkhill, in the said county of Middlesex, or to the town of Forest, in the county of Lambton, or to some point in the townships of Bosanquet or West Williams, and not farther northward than the line of the railway of The Grand Trunk Railway Company of Canada ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1 The said Charles Grist, James Cox, Cyrus Birrel, William J. Dyas, Donald M. Cameron, William Geddes, Richard Pincombe, J. A. McLeay and George M. Everest, and such other persons and corporations as shall hereafter become shareholders in the company *hereby incorporated* are hereby constituted a body corporate and politic under the name of "The Strathroy and Western Counties Railway Company."

Certain provisions of Rev. Stat. c. 170, incorporated.

2. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity and fines and penalties and their prosecution," are incorporated in and shall form part of this Act, except only in so far as they are inconsistent with the express enactments hereof and are

hereinafter expressly excepted, and the expression "this Act," when used herein, shall include the said clauses of *The Railway Act of Ontario.*

Location of line.

3. The said company *is* hereby authorized and empowered to construct, maintain and operate a steam or electric railway, or railway operated partly by steam power and partly by electric power, with double or single iron or steel tracks, from the town of Strathroy, in the county of Middlesex, southerly to a point at or near the city of St. Thomas, in the county of Elgin, and from the said town of Strathroy, northerly to and through the village of Arkona, to either the town of Parkhill, in the said county of Middlesex, or to the town of Forest, in the county of Lambton, or to some point in the townships of Bosanquet or West Williams, and not farther northward than the line of the railway of The Grand Trunk Railway Company of Canada, with power, but subject to the other provisions of this Act, to build and operate any part or branch of the said railway in sections, and if the railway or any branch or section thereof, shall be operated by electric power, the same may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereinafter to be made between the council of any of the said corporations and the said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force of such motive power as they are hereby authorized to employ in the operation of the said railway, and may construct and maintain all necessary works, buildings and appliances, machinery and conveniences necessary therefor and connected therewith, and may make and enter into any agreement with any municipal council or road company as to the terms of occupying any street or highway, subject to the provisions of *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Occupation of highways.

Guage.

4. The guage of the said railway shall be four feet eight and one-half inches.

Provisional directors.

5. *The said* Charles Grist, James Cox, Cyrus Birrel, William J. Dyas, Donald M. Cameron, William Geddes, Richard Pincombe, J. A. McLeay, and George M. Everest, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under this Act.

Powers of provisional directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive

payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Strathroy, in the county of Middlesex, or at such other place as may best suit the interest of the said company. Rev. Stat. 170.

7. The capital stock of the company, hereby incorporated, shall be $200,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 8,000 shares of $25 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act, and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock. Capital stock.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved Subscriptions not binding till approved.

by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid therein within one month after subscription.

First election of directors.

9. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in *the province of* Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and in at least one newspaper published in the *said* town of Strathroy, of the time and place and purpose of the said meeting.

Number of directors and quorum.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum *on the stock subscribed by them,* shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board; and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Qualification of directors.

11. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the said company upon which all calls have been paid.

Head office, general annual meeting.

12. The head office of the said company shall be at the said town of Strathroy, and the general annual meetings of the shareholders of the said company shall be held in such place in the said town of Strathroy, or in such other place and on such days and at such hours as may be directed by the by-laws of the company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said town of Strathroy, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

13. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the company, such sums as they may deem expedient to engineers and contractors, or for right of way, or material, plant, or rolling stock, and also *when* sanctioned by a vote of the shareholders, at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking or for the purchase of the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Transfer of shares.

15. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificate issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Rights of aliens.

16. Aliens, as well as British subjects and corporations may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Calls.

17. The directors may from time to time make calls as they may think fit, provided that no call shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 12 of this Act.

Power to collect back charges on goods.

18. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all rights and remedies of such persons for such charges.

Grants of land to company.

19. Any municipality through which the railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the traffic or running of the railway, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to exempt company from taxation.

20. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passess or in which it is situated by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporations, and for such term of years as such municipal council may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Use of highways by company.

21. Wherever the said railway or its cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between said company and the municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railway or its cars, carriages, engines, motors or machinery as aforesaid, shall be constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of same, or to endanger the same.

Aid from municipalities.

22. Any municipality, or any portion of a township municipality which may be interested in securing the construction of the *said* railway, or through any part of which or near which the railway *or* works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company under and subject to the provisions hereinafter contained ; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

23. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

(1) The proper petition shall first be presented to the

council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality *or of* fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-laws what to contain.

24. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality as the case may be mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of such debentures or the application of the amount to be raised thereby as may be expressed by the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Council to pass by-law approved by ratepayers.

25. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

26. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head or other officers thereof shall issue or dispose of the deben-

tures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rate in portion of municipality.

27. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for the payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of municipal Acts as to by laws.

28. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by *or for* the whole municipality.

Council may extend time for commencement of work.

Proviso.

29. The councils for all corporations that may grant aid by way of bonus to the company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated by the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a *longer* period than one year.

Council may extend time for completion.

Proviso.

30. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, and they shall have power to extend the time for the completion of the works (on the completion of which the said company will be entitled to such bonus) from time to time, provided that no such extension shall be for a *longer* period than one year at a time.

Rate not exceeding three cents in the dollar valid.

Proviso.

31. Any municipality or portion of a township municipality interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes *exclusive* of school rates, than three cents *in* the dollar upon the value of the ratable property therein.

Provisions for referring disputes as to bonus by laws to arbitration.

32. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference. The said council shall forthwith refer the said petition

to three arbitrators; one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situated, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county as the arbitrators shall order.

"Minor municipality", meaning of.

33. The term "minor municipality" shall be construed to mean any town not separated from the municipal county township or incorporated village situated in the county municipality.

Acquiring land for stations, gravel-pits, etc.

34. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway; and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only the company may purchase, hold and use and enjoy such lands and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. C. 170.

Acquiring gravel etc., for construction and repair of railway.

35. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring lands for the right of way of the company's railway, and the notice of arbitration, and the tender of the compensation *and the award* shall have the same effect, as in case of arbitration for the lands for right of way as aforesaid; and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining the materials

as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they may think necessary, the notice of arbitration in case arbitration is resorted to to state the interest required.

Sidings to gravel-pits, etc.

36.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers of this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of maintaining and repairing the said railway.

Rev. Stat. c. 170.

Rev. Stat., Chap 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Issues of debentures.

37. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, *and* one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

38. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Strathroy and Western Counties Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and *on* the certificate of the chief engineer of the said company for the time being in the form set out in schedule "A" hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500 recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of proceeds of debentures.

39. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

40. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, *or with any* person or persons, for leasing, hiring, or use of any locomotives, electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies for leasing or hiring rolling stock.

41. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railway hereby authorized to be constructed. Agreement with electric light companies.

42. The company may also construct an electric telegraph line and a telephone line in connection with their Telegraph and telephone lines.

railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company ; provided that *such telegraph and* telephone lines shall be used exclusively for the purposes of the business of the said company.

Proviso.

Agreements for amalgamation with other companies.

43. The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canada Southern Railway Company, or any or either of them, as may be lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act,

Proviso.

Running arrangements with other railways.

44. The company shall have power to agree for connection and making running arrangements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, *or* the Canada Southern Railway Company, *or any or either of them, if* lawfully authorized to enter into such arrangements or agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway companies or any or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring of any locomotives, tenders, electric motors, carriages, cars, rolling stock, plant or other property of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders, voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line, but nothing in this *Act* shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of *the* Province *of Ontario*.

45. The company shall have power to purchase land for, and to erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold additional property.

46. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all, the sum of $20,000 for each mile of the *said* railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Issue of bonds.

47 The said company shall have power to become parties to promissory notes and bills of exchange, for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under *the authority of* a quorum of *the* directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments. Proviso.

48. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the *provisions* of this Act to issue for the construction of the said railway. Mortgaging lands for advances.

49. Conveyances of land to the said company for the purposes of this Act made in the form set forth in schedule "B" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the Form of conveyances.

estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same ; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario ; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Commencement and completion of line

50. The railway shall be commenced within three years, and finally completed within six years after the passing of this Act.

SCHEDULE "A."

(*Section 38.*)

Chief Engineer's Certificate.

The Strathroy and Western Counties Railway Company's Office.

No. *Engineer's Department* *A.D. 189* .

Certificate to be attached to cheques drawn on The Strathroy and Western Counties Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of The Strathroy and Western Counties Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trusts the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE "B."

(*Section 49.*)

Know all men by these presents, that I, (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Strathroy and Western Counties Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or* those certain parcels, as the case may be) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Strathroy and Western Counties Railway Company, their successors and assigns forever, (*here insert any other clauses or conditions, and covenants required*) and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A. D. 189 .

Signed, sealed and delivered in the presence of } { L. S. }

No. 117.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to incorporate the Strathroy and Western Counties Railway Company

First Reading, 28th April, 1893.

(*Reprinted as amended by the Railway Committee.*)

(Private Bill.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 118.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V., c. 42, ss. 65, 67, 69, 70 and 71 amended.

1. Sections 65, 67, 69, 70, and 71 of *The Consolidated Municipal Act, 1892*, are amended by striking out the figures "500" when they occur in the said sections, and inserting in lieu thereof the figures "750."

No. 118.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 20th April, 1893.

Mr. RORKE.

TORONTO:
PRINTED BE L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 119.] **BILL.** [1893.

An Act to amend the Act respecting Limited Partnerships.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Act respecting Limited Partnerships* is amended by adding at the end of said section the following words : " and for filing and recording each such certificate the clerk shall be entitled to receive the sum of twenty-five cents, and from every person searching in the book where such certificate is so recorded, the sum of ten cents for each such search." Rev. Stat., c. 129 ; c. 7, amended.

No. 119.

3rd Session, 7th Legislature, 56 Vict., 1983.

BILL.

An Act to amend the Act respecting Limited Partnerships.

First Reading, 21st April, 1893.

Mr. SPRAGUE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 120.] BILL. [1893.

An Act to amend the Ontario Medical Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 27 of *The Ontario Medical Act* is repealed. Rev. Stat., c. 148, s. 27, repealed.

No. 120.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ontario Medical Act

First Reading, April 21st, 1893.

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 121.] BILL. [1893.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, ts follows :—

1. Section 533 (*a*) of *The Consolidated Municipal Act, 1892,* is repealed.

No. 121.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to amend The Municipal Act.

First Reading, 21st April, 1893.

Mr. BISHOP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 122.] **BILL.** [1893.

An Act to amend the Division Courts' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 51, s. 70 amended. Jurisdiction extended.

1. Sub-section 1 of section 70 of *The Division Courts Act* is amended by striking out the figures "$60" in the second line of clause (*a*) of the said section and substituting "$100" therefor.

Rev. Stat. c. 51, s. 70, amended.

2. The said section is further amended by adding thereto the following as sub-section (1*a*):—

Accumulated interest on ascertained claims.

(1*a*) Interest accumulated upon any claim of the class mentioned in clause (*c*) of the preceding sub-section, since the amount or balance was so ascertained by the signature of the defendant or of the person whom he represents shall not be included in determining the question of jurisdiction, but interest so accumulated may be recovered in a division court in addition to the said claim notwithstanding the interest and the amount of the claim so ascertained together exceed the sum of $200.

Right to enter judgment for portion of claim not disputed.

3. In any case where no dispute is entered as to a portion of a claim sued in a division court, or where a portion of the claim is admitted by the defendant, the plaintiff may, at his option, proceed to judgment and execution for such portion without prejudice to his right to recover for the remainder of the claim.

Examinations for discovery.

4.—(1) Where the amount of a claim sued in a division court exceeds $75, any of the parties to the action may, upon two days' notice to the other parties to the action, apply to the judge of the court in which the action is brought for an order for the examination for purposes of discovery of any party or parties to the action, or any other person who would have been liable to examination had the action been an action in the high court of justice, and the judge, if he deems such order necessary for giving due effect to the rights of the party making the application, may order the person or persons, with respect to whom the application is made, to attend for examination before the clerk of the county court of the county in which such action is brought upon such terms and conditions as the judge may direct.

Costs.

(2) In any case in which examination for discovery is had, under this section, the judge may allow reasonable costs with respect thereto: provided that the same shall in no case exceed $5 and actual and necessary disbursements.

No. 122.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to Amend The Division Courts Act.

First Reading, 21st April, 1893.

Mr. Wood,
(*Brant.*)

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty,

No. 122.] **BILL.** [1893.

An Act to amend The Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 51, s. 70 amended. Jurisdiction extended.

1. Clause (*a*) of sub-section 1 of section 70 of *The Division Courts Act* is hereby amended by adding thereto the words following, "and also in any such personal action if all the parties consent thereto in writing and if the amount claimed in such last mentioned personal action does not exceed $100."

Rev. Stat. c. 51, s. 70, amended.

2. The said section is further amended by adding thereto the following as sub-section (1*a*):—

Accumulated interest on ascertained claims.

(1*a*) Interest accumulated upon any claim of the class mentioned in clause (*c*) of the preceding sub-section, since the amount or balance was so ascertained by the signature of the defendant or of the person whom he represents shall not be included in determining the question of jurisdiction, but interest so accumulated may be recovered in a division court in addition to the said claim notwithstanding the interest and the amount of the claim so ascertained together exceed the sum of $200.

Right to enter judgment for portion of claim not disputed.

3. In any case where no dispute is entered as to a portion of a claim sued in a division court, or where a portion of the claim is admitted by the defendant, the plaintiff may, at his option, proceed to judgment and execution for such portion without prejudice to his right to recover for the remainder of the claim.

No. 122.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to Amend The Division Courts Act.

First Reading,	21st April, 1893.
Second "	15th May, 1893.

(Reprinted as amended by Select Committee.)

Mr. WOOD,
(Brant.)

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 123.] BILL. [1893.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 54 of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water* is hereby amended by inserting after the word "otherwise" in the seventh line of the said section the following words, "and to manufacture and supply electricity for the purpose of generating heat or power and for all other purposes for which electricity is capable of being used." Rev. Stat. 1 c. 164, s. 54, amended.

No. 123.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

First Reading, 21st April, 1893.

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 124.] **BILL.** [1893.

An Act to amend The Municipal Act of 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 479 of *The Consolidated Municipal Act of 1892*, is amended by adding thereto the following sub-section: 53 Vict., c. 42, s. 479, amended.

(30) For giving and paying bounties not exceeding $5 per head for the destruction of foxes and other wild animals which kill or destroy poultry.

2. Sub-section 21 of section 521 of the said Act is repealed. 53 Vict., c. 42, s. 521, sub-s. 21, repealed.

No. 124.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act of 1892.

First Reading, 24th April, 1893.

Mr. McLENAGHAN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 125.] BILL. [1893.

An Act to amend The Ontario Architects' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 22 of *The Ontario Architects' Act* is amended by striking out the words "coming into force of this Act," being the last four words of the second line of said section and the first word in the third line of said section, and inserting in lieu thereof the words "1st day of July, 1893," and by striking out the words "appointment of such registrar," being the last four words in the fifth line of said section, and inserting in lieu thereof the words "1st day of July, 1893." 53 Vict., c. 41, s. 22, amended.

2. Section 25 of the said Act is hereby amended by striking out the figures "1890" in the first line of said section and inserting in lieu thereof the figures "1893," and by striking out the word "registered" in the second line of said section. 53 Vict., c. 41, s. 25, amended.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ontario Architects' Act.

First Reading, 24th April, 1893.

Mr. GILMOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 126.] BILL. [1893.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sub-section 44 of section 489, of *The Consolidated Municipal Act, 1892*, is amended by striking out the word "slaughter houses" in the second line of the said sub-section. 55 Vict. 1, 42 s. 489, sub-s. 44, amended.

Section 489 of the said Act is amended by adding thereto the following as sub-section 44*a*. 55 Vict. 2, 42 s. 489, amended.

44*a*. For establishing public slaughter houses and for preventing, regulating and inspecting the erection or continuance of slaughter-houses and for prohibiting the slaughter of animals intended for food except in slaughter-houses designated in the by-law. Slaughter-houses.

Sub-section 14 of section 521 is amended by striking out the words "slaughter-houses and" in the first line of said sub-section. 55 Vict. 3, 42 s. 521, sub-s. 14, amended.

No. 126.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th April, 1893.

Mr. DACK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 127.] BILL. [1893.

An Act to amend The Act respecting Private Lunatic Asylums.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 108 of *The Act respecting Private Lunatic Asylums* is hereby repealed and the following inserted in lieu thereof :— Rev. Stat. c. 246, s. 108, repealed.

108. The terms "inebriate" and "habitual drunkard," wherever either of such terms occurs in this Act, shall extend to and include any person, whether male or female, who is an habitual consumer of stimulating or narcotic drugs to such excess as to cause mental or physical derangement or disease. Meaning of "inebriate" and "habitual drunkard."

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Act respecting Private Lunatic Asylums.

First Reading, 25th April, 1893.

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 127.] **BILL.** [1893.

An Act to amend the Act respecting Private Lunatic Asylums.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 108 of the *Act respecting Private Lunatic Asylums* is hereby repealed and the following inserted in lieu thereof :— Rev. Stat. c. 246, s. 108, repealed.

☞108. All the provisions of this Act shall extend to every person, whether male or female, who is an habitual consumer of stimulating or narcotic drugs to such excess as to cause mental or physical derangement or disease, and all petitions, proceedings, and other matters, made, taken or had, under or in pursuance of this Act in respect of any such person shall (*mutatis mutandis*) be the same as in the case of an habitual drunkard. ☜ Application of Act.

No. 127.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act respecting Private Lunatic Asylums.

First Reading, 25th April, 1893.
Second " 5th May, 1893.

(Reprinted as amended by Select Committee.)

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 128]. BILL. [1893.

An Act to amend the Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. *The Municipal Waterworks Act* is amended by inserting therein the following as section 4 (*a*) immediately after section 4 of the said Act :— Rev. Stat. c. 192 amended.

4. (*a*) Where it is sought to take water for the purpose aforesaid from any lake not the property of a private person or of a company, the words "fifteen miles" shall be substituted for the words "ten miles" where the latter appear in section 4 of this Act, and the corporation shall, in such case and for the purposes of this Act, have all the rights, powers, authorities and privileges by this Act granted to or conferred upon any municipal corporation. Taking water from lakes not private property.

No. 128.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Water-works Act.

First Reading, 25th April, 1893.

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 128]. BILL. [1893.

An Act to amend the Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Municipal Waterworks Act* is amended by striking out the word "river" in the seventh line thereof. Rev. Stat. c. 192 amended

2. the said Act is further amended by inserting therein, after section 4 thereof, the following section:—

4*a*. Water for the purpose aforesaid may be taken from any lake or river, and in such case the words "fifteen miles" shall be substituted for the words "ten miles" where the latter appear in section 4 of this Act; and the corporation shall, for the purposes of this Act, have all the rights, powers, authorities and privileges by this Act granted to or conferred upon any municipal corporation, and shall be subject to the same obligations and restrictions.

No. 128.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Water-works Act.

First Reading, 25th April, 1893.
Second " 8th May, 1893.

(*Reprinted as amended by Municipal Committee.*)

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 129.] **BILL.** [1893.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section 2 of section 479, of *The Consolidated Municipal Act 1892*, is amended by inserting after the words "Game Inspectors" the words "Inspector of sheep which may be worried or killed by dogs." 55 V. c. 42, s. 479, sub-s. 2 amended.

2. Section 544 of said Act is amended by adding the following sub-section thereto. 55 V. c. 42, s. 544 amended.

(2) In the case of a school section in a township where the side-roads are two or more miles apart, and when such school-section embraces the lands fronting upon any one or more concessions within any two such side-roads, and when the school-house is located on any one of the said concessions at or near the centre between any two such side roads, it shall be the duty of the council of the municipality, upon petition of the ratepayers representing one-fourth of the assessed value of the school section, or by one fourth of the ratepayers of the section to pass a by-law for the acquiring of a road of not less than forty feet in width at or near the centre between the aforementioned side-roads, the said road to be opened across one or more concessions so as to provide for the children of such section convenient access to the school-house of said section. Roads in school section where side-roads are two miles apart.

(3) The council of the municipality shall have the power to expropriate the lands necessary for the said road, and if the council and the owner, or owners of the lands as the case may be, are unable to agree as to the price of the lands, then the matters in dispute shall be determined by arbitration under the provisions of this Act respecting arbitrations. If price not agreed upon liability to follow.

No. 129.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th April 1893.

Mr. WATERS.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 130.] BILL. [1893.

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 6 of *The Ditches and Watercourses Act*, is amended by inserting after the word "and" in the eleventh line, the words "such owner" and by striking out all the remaining part of the section after the word "place" in the fourteenth line including paragraphs (*a*), (*b*), (*c*) and (*d*). Rev. Stat. c. 220, s. 6, amended.

2. The clerk of the municipality shall keep a supply of the forms of notices required to be served under the provisions of the said Act, and he shall fill in such forms upon any owner requiring him so to do, and such owner shall pay to the clerk, such sum as may be fixed by the council for such service. Municipal Clerk to provide copies of forms of notices.

No. 130.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Ditches and Watercourses Act.

First Reading, 26th April, 1893.

Mr. REID.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 131.]

BILL.

An Act to amend The Act for the Protection of Game and Fur-Bearing Animals.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Offenders to be taken before certain magistrates.

1. Notwithstanding anything contained in chapter 221 of the Revised Statutes of Ontario, or in any subsequent Act or Acts amending the same, no person charged with a violation of the Game Laws shall be compelled to attend before a magistrate at a greater distance from his place of residence or the place where the offence was committed than ten miles, should there be a magistrate residing within that distance.

No. 131.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Act for the Protection of Game and Fur-Bearing Animals.

First Reading, 26th April, 1893.

Mr. Reid.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 132.] **BILL.** [1893.

An Act to amend the Act respecting Pounds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The *Act respecting Pounds* is amended by adding the following section thereto:— Rev. Stat., c. 215.

Statement of persons retaining animals not impounded.

26. Every poundkeeper, and every other person who under the provisions of section 12 of this Act, distrains any animal, shall, on or before the 15th day of January in every year file with the clerk of the municipality a statement for the year ending on the 31st day of December prior to that in which the statement is filed shewing:

1. The number of animals impounded or distrained as the case may be.
2. The number of animals sold and the amounts received.
3. The sum received as poundage fees and cost of keep by poundkeeper or party distraining.
4. The amount of damages paid by any party.
5. All disbursements and to whom paid.
6. Any other receipts and expenditures in connection therewith.

(2) The said statement shall be certified to by the poundkeeper or the person distraining as a true and accurate statement for the year ending on the 31st day of December prior to that in which the statement is filed.

No. 132.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act respecting Pounds.

First Reading, 26th April, 1893.

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 132.] **BILL.** [1893.

An Act to amend the Act respecting Pounds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The *Act respecting Pounds* is amended by adding the following section thereto:—. Rev. Stat., c. 215.

Statement of persons retaining animals not impounded.

26. Every poundkeeper, and every other person who under the provisions of section 12 of this Act, distrains any animal, shall, on or before the 15th day of January in every year file with the clerk of the municipality a statement for the year ending on the 31st day of December prior to that in which the statement is filed shewing:

1. The number of animals impounded or distrained as the case may be.
2. The number of animals sold and the amounts received.
3. The sum received as poundage fees and cost of keep by poundkeeper or party distraining.
4. The amount of damages paid by any party.
5. All disbursements and to whom paid.
6. Any other receipts and expenditures in connection therewith.

27. The said statement shall be certified to by the poundkeeper or the person distraining as a true and accurate statement for the year ending on the 31st day of December prior to that in which the statement is filed.

28. Any poundkeeper or other person required to file such return, neglecting or refusing to file the same on or before the 15th day of January in any year, shall be subject to a penalty not exceeding $10, to be recovered as are other penalties under this Act.

No. 132.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act respecting Pounds.

First Reading, 26th April, 1893.
Second " 5th May, 1893.

(Reprinted as amended by Municipal Committee.)

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 133.] BILL. [1893.

To amend "An Act respecting Police Magistrates."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 25 of *The Act respecting Police Magistrates* is amended by striking out the word "whether" in the fourth line, and the words "or as a Justice of the Peace" in the fifth line thereof. Rev. Stat. c. 272, s. 25.

No. 133.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

To amend "An Act respecting Police Magistrates."

First Reading, 26th April, 1893.

Mr. ALLAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 134.] BILL. [1893.

An Act respecting the Insurance Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation : Construction generally.

1.—(1) This Act shall be read and construed as one with *The Insurance Corporations' Act, 1892*, hereinafter called "The Principal Act."

"Trade or labour union or organization."

(2) The expression "trade or labour union or organization" means such an organization of wage-earners of a particular trade or industrial calling, as is primarily constituted and is actually operated *bona fide* for the regulation of the wages and hours of labour as between employers and the employed; but shall not be deemed to include co-operative associations or societies.

"Insurance fund" or "funds."

(3) The expression "insurance fund" or "insurance funds" shall not be deemed to include any fund or funds of a trade or labour union or organization appropriated to or applicable for the voluntary assistance of wage-earners unemployed or upon strike.

"Endowment insurance."

(4) "Endowment insurance" includes any contract of insurance which contains an undertaking to pay an ascertained or ascertainable sum at a fixed future date, provided the assured is then alive.

"Lodge."

(5) The word "lodge" includes a primary division (by whatever name known) of a friendly society.

Foreign friendly societies : incorporation of Provincial body.

2.—(1) Where a friendly society, registered under The Principal Act, has its head office elsewhere than in the Province of Ontario, the lodges or a majority of the lodges situated in the Province may file with the Registrar of Friendly Societies an application or applications for Provincial incorporation, setting forth the facts of the case and the proposed corporate name, and the head office and rules of the society; also naming those persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected; also furnishing such other information as the Registrar requires.

Hearing of application and notice.

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such public notice of the hearing shall be given in the *Ontario Gazette* and otherwise as the Registrar shall direct.

Certificate of incorporation.

(3) If upon the hearing it appears to the Registrar in his discretion that such incorporation ought to be granted, he shall have authority to certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office that he finds entitled to incorporation under the name and for the purposes specified in the certificate, the persons mentioned therein.

Filing of certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Registrar of Friendly Societies shall by his certificate require to be filed; and from the day of such filing the persons mentioned in the Registrar's certificate and their associates and successors shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies;

Proviso.

Provided every body so incorporated shall forfeit its corporate powers by non-user as provided by section 63 of The Principal Act, and shall be liable to have its corporate powers suspended or revoked as provided by section 10 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 39.

Registration.

(5) Upon due application the Registrar of Friendly Societies shall have authority to admit to registry as a friendly society the body so incorporated.

Incorporation of auxiliary bodies.

3. Where it is in the opinion of the Registrar of Friendly Societies necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated, or registered, or both, the Registrar may direct the like proceedings to be taken as in the next preceding section enacted, and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as

Registration.

therein enacted; also upon due application the Registrar of Friendly Societies shall have authority to admit to registry the body so incorporated.

Incorporation of subordinate lodges.

4.—(1) Any unincorporated lodge or body controlled by a registered society, and operated under the uniform rules prescribed by the said society, and not contrary to law may, through the society, make application to the Registrar of Friendly Societies for incorporation; if upon due application it appears to him that incorporation ought to be granted, he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect, and be subject to the same limitations as enacted in sub-section 4 of section 2.

Dissolution of the corporation.

(2) If the registered society should at any time revoke the warrant or charter under which the body so incorporated is operated, such revocation shall be certified in duplicate by the presiding officer and the secretary of the society under the seal thereof; one of the said duplicates shall be filed with the Regis-

trar of Friendly Societies, the other with the Provincial Registrar; and this certificate from the filing thereof in the office of the Provincial Registrar, shall *ipso facto* operate to dissolve the body so incorporated, and to vest the property, assets, funds and effects of the said body in the presiding officer and the secretary and their successors in office as trustees for the creditors and persons beneficially entitled; and the surplus (if any), after the liabilities are satisfied, shall vest in the registered society to its own use absolutely.

Disposal of assets.

5. The officers of any superannuation or benefit fund authorized by the sub-section 7 of section 504 of *The Consolidated Municipal Act, 1892*, or established by virtue of any prior or amending municipal Act, or by virtue of any Act authorizing the establishment of a benefit fund for policemen or firemen, and the officers of any benefit fund established by virtue of section 48 of chapter 145 of the Revised Statutes, 1887, may, upon like proceedings taken as enacted in section 2 hereof, become incorporated with the same limitations of corporate powers; and the body so incorporated may, upon due application, be admitted to registry.

Superannuation or benefit funds under 55 V. c. 42, or Rev. Stat. c. 145, s. 48.

6. Where a friendly society has its head office in Ontario, and the society or the lodges of the society were, on the tenth day of March, 1890, and also on the thirty-first day of December, 1892, in actual and active operation, and though the society, being at the first mentioned date entitled to incorporation, did not, on or before that date, take out incorporation, the Registrar of Friendly Societies, upon proof of the facts, shall, in his discretion, have authority to issue a certificate of incorporation as in section 2 hereof enacted, and the filing of this certificate in the office of the Provincial Registrar shall have the same effect and be subject to the same limitations as therein provided; upon due application the Registrar of Friendly Societies shall, in his discretion, have authority to admit to registry the society so incorporated.

Unincorporated societies entitled at 10th March, 1890

7. Section 12 of *The Act to secure to Wives and Children the Benefit of Life Insurance* is amended by adding the following as sub-section 2:—

Rev. Stat. c. 136, s. 12, amended.

(2) Where it appears upon the letters of guardianship or other like document issued by a court beyond the jurisdiction of the Province, or by a certificate of the Judge under the seal of such court, that it has been shown to the satisfaction of such court that the deceased at his death was domiciled or resident within its jurisdiction, and where security to the satisfaction of the court has been given by the guardian or other like officer appointed by the said letters or document, then the High Court, upon application for the appointment of a trustee under this section, may dispense with the giving of security, provided it has been also shown that the infants

reside within the jurisdiction of the foreign court, and that the proposed trustee is a fit and proper person, and that the security has, in accordance with the practice of such foreign court, been given in respect of and for the due application and account of the money payable under the policy.

53 Vic., c. 39, sec. 6, amended.

8.—(1) Section 6 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 39, is amended by inserting after the words "one or more of them," in the twelfth lien thereof, the following words: "or to the mother of the assured as a beneficiary or sole beneficiary"; and the said section is further amended by adding at the end thereof the following words: "or for the benefit of any one or more of the above-mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors."

53 V. c. 39, s. 5, amended.

(2) Section 5 of the said Act is amended by striking out in the fifth and sixth lines thereof the following words: "and may as in the said section provided, vary the apportionment."

Rev. Stat. c 167, amended.

9. *The Ontario Insurance Act* is hereby amended as follows:—

Rev. Stat. c. 167, s. 107, amended.

(1) Section 107 is amended by striking out all the words down to and inclusive of the word "period" in the second line, and inserting the following words in lieu thereof: "Any contract that may be made for one year or any shorter period on the mutual system, or for three years or any shorter period on the cash system"; the said section is further amended by striking out the word "his" in the fourth line and inserting in lieu thereof the words "a new"; and is further amended by inserting after the words "cash payments" in the fifth line the words: "or premium notes."

Rev. Stat. c. 167, s. 122, sub-s. 2, amended.

(2) Sub-section 2 of section 122 as enacted by section 1 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 44, is amended by adding at the end of the said sub-section the following words: "but the notice required by section 133 of this Act to be embodied in or endorsed upon the premium note shall not be deemed to be 'other matter' within the meaning of this sub-section."

Sec. 123, amended.

(3) Section 123 is amended by striking out the word "fifty" in the fifth line and inserting in lieu thereof the word "sixty."

55 V. c. 39 amended. S. 2, sub-s. 8 amended.

10. The Principal Act is amended as follows:—

(1) Sub-section 8 of section 2 is amended by adding thereto the following proviso:—

"Provided that when the subject matter of the contract is property or an insurable interest within the jurisdiction of Ontario, or is a person domiciled or resident therein, any policy, certificate, interim receipt, or writing evidencing the contract shall, if

signed, countersigned, issued or delivered over in Ontario, be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof; and this proviso shall have effect notwithstanding any agreement, condition or stipulation to the contrary."

S. 2, sub-s. 16, amended.

(2) Sub-section 16 of section 2 is amended by inserting after the words "friendly society" in the seventh line the following words: "not undertaking endowment insurance or annuities." Likewise sub-section 2 of section 10 is amended by inserting after the word "society" in the first line the following words, "not undertaking endowment insurance or annuities."

S. 10, sub-s. 2, amended.

S. 3 amended.

(3) Section 3 is amended by adding thereto the following proviso:

"Provided that no superannuation or insurance or annuity fund, managed or controlled by the Government of the Dominion of Canada for the benefit of the Civil Service thereof shall require to be registered."

S. 4, sub-s. 2B proviso amended.

(4) The proviso to sub-section 2 B of section 4 is amended by adding at the end thereof the following further proviso:—

"Provided also, in any case of doubt where the *bona fide* intention of a society is to afford charitable aid or relief, and not to create either any contractual right in the members or any contractual obligation against the society, upon the society making such intention apparent in its rules and publications (by such amendment, if necessary, as the Registrar shall direct), the Registrar may by writing, under his hand and the seal of his office declare the organization exempt from the operation of this Act, and such certificate shall remain valid until by like writing revoked, and the society so exempted shall not be subject to any penalty imposed by this Act."

55 V. c. 39, s. 6 amended.

(5) Section 6 is amended by adding thereto sub-sections 3 and 4, as follows:—

"(3) Corporations, companies or insurers within the intent of sections 3 (*a*), 49 (4), or 32 of *The Insurance Act of Canada*, may, upon due application, be admitted to registry.

"(4) Upon due application of any underwriter of the establishment or society known as Lloyd's, and more particularly described in an Act passed by the Parliament of the United Kingdom in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and chaptered 21, or upon due application of any such underwriter's broker, or broker's agent, the said establishment or society may for the

undertaking and transaction of marine insurance be registered under the general name of Lloyd's, which shall include the corporation, all underwriters of Lloyd's for the time being and their brokers, and the agents in Ontario, of the corporation or of the underwriters or brokers. In any action or proceeding against the corporation, or against any underwriter, or broker, or agent as aforesaid, for liabilities incurred in Ontario the Inspector of insurance may receive and accept service of process; and acceptance of service in writing under his hand shall to all intents and purposes whatsoever be legal and binding upon the corporation, underwriter, broker or agent."

Principal Act amended. S. 8 amended.

(6) Section 8 is hereby amended by adding thereto sub-section 3 as follows:—

(3) No society applying for registry or renewal of registry by virtue of its incorporation under any Act of Ontario shall be deemed to be entitled to be registered unless its head-office is situated and maintained in Ontario, and unless the presiding officer, the secretary and the treasurer are *bona fide* residents of the Province"

S. 9, sub-s. 3, amended.

(7) The proviso to sub-section 3 of section 9 is amended by striking out all the words after the word "any" in the first line down to and including the word "members" in the third line, and inserting in lieu thereof the following words:—"*bona fide* trade union or labor organization," and section 9 is further amended by adding thereto sub-section 5 as follows:—

"(5) Any association of the civil servants or employees of the Dominion of Canada, incorporated by virtue of an Act of the Parliament of Canada may, upon due application be admitted to registry."

S. 25, sub-s. 1, amended.

(8) Sub-section 1 of section 25 of the Principal Act is amended by striking out the word "Registrar" wherever it occurs and substituting therefor the words "Registry Officer," the said sub-section is further amended by inserting after "purpose" in the third line the words "is insolvent, or is on the verge of insolvency."

S. 30, sub s. 4, amended.

(9) Sub-section 4 of section 30 of the Principal Act is amended by striking out the word "or" in the first line and inserting the word "for" in lieu thereof.

S. 33 amended.

(10) Section 33 is amended by adding thereto sub-section 5 as follows:—

(5) Where the money payable by way of premiums, dues or assessments, not being the initial premiums, dues or assessments, under any contract of life or accident insurance is in default, and the event upon the happening of which the insurance money becomes

payable has not yet happened, any of the persons hereinafter mentioned may within thirty days after the default post by registered letter, or otherwise pay, deliver or tender to the company at its head office, or at its chief agency in Ontario, or to the company's collector or other authorized agent the sum in default, and also a further sum by way of fine if the contract of insurance by express terms so requires, such fine however in no case to exceed the rate of five cents per week per $1,000 of insurance for each complete week elapsed since the default, and not more in any case than at the rate of twenty cents per $1,000 for the whole period of default. On payment, delivery or tender, as aforesaid by the assured, or by any of the beneficiaries under the contract, the contract shall be deemed to have been *ipso facto* revived or renewed, and any stipulation or agreement to the contrary shall as against the assured or his beneficiaries be utterly void. This sub-section shall not be deemed to extend the time allowed for the payment of contributions or assessments by section 40 of the Principal Act.

(11) Sub-section 2 of section 34 is amended by inserting, in the second line after the words "shewn in," the words "or deduced from"; also, by striking out in the the third line the word "table," and inserting in lieu thereof the word "tables." S. 34, sub-s. 2, amended.

(12) Section 35 (5) is amended by adding thereto the following proviso:— S. 35, sub-s. 5, amended.

"Provided that, instead of printing the matter required by this sub-section, the company may with the consent in writing of the Inspector of Insurance print or stamp the following words in lieu thereof:— 'Any insurance undertaken or offered to be undertaken in the Province of Ontario in respect of the lives of children under ten years of age is subject to the restrictions enacted by sub-sections 1 to 5 (inclusive) of section 35 of *The Insurance Corporations Act, 1892*."

(13) Section 38 (8) is amended by adding thereto the following proviso:— S. 38, sub-s. 8, amended.

"Provided that in the case of railways (including therein other common carriers) desiring their ticket-agents to issue, in behalf of a registered insurance corporation, life or accident insurance contracts for terms not exceeding thirty-one days, the railway may upon due application be admitted to registry for purposes of such contracts only; and shall in respect of such registry pay to the Provincial Treasurer such commuted fee as the Inspector of

Insurance shall in writing under his hand certify to the Provincial Treasurer to be in his opinion just and reasonable; the ticket-agents of the registered railway shall, but only for purposes of the said contracts, be deemed to be severally registered within the meaning of this Act for the term of the certificate of registry issued to the railway."

S. 47, sub-s. 1.

(14) Sub-section 1 of section 47 is amended by striking out the words "or of section 10" in the third line, and inserting the words "or of sections 9 or 10" in lieu thereof.

S. 51, sub-s. 2, amended.

(15) Sub-section 2 of section 51 is hereby struck out and the following sub-section is substituted therefor:—

"(2) No appeal shall be allowed unless notice thereof in writing is given to the Registry Officer within two months after the judgment complained of; nor unless, within three months after the judgment complained of, the appellant gives proper security as aforesaid that he will effectually prosecute his appeal, and pay such costs and damages as may be awarded in case the judgment appealed from is in whole or in part affirmed. At least ten days' notice of any subsequent proceeding on the appeal shall be given in writing to the Registry Officer at his office.

S. 62 amended.

(16) Section 62 is amended by inserting after sub-division 2 of Division II. the following proviso:—

"Provided that in the case of corporations, companies, insurers or underwriters undertaking or transacting ocean marine insurance only, and also in case of corporations, companies, insurers and underwriters within the intent of sections 3(*a*) or 49(4) or 32 of *The Insurance Act of Canada* found admissible to registry under this Act, the fee for certificate of registry, whether original or renewed, shall be $10.

S. 62 amended.

Section 62 is further amended by inserting in the fourth line of Division III. after the words "shall be" the following words:—"in respect of powers of attorney as enacted in sub-division 1 of Division II., and in other respects shall be."

S. 62 amended.

Section 62 is further amended by inserting after the word "with" in the fifth line of Division IV. these words "or issued by the."

S. 62 amended.

Section 62 is further amended by adding at the end of Division IV. the following words:—"Certificate of exemption from registry, $1.00; filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar, $1.00."

No. 134.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Insurance Law.

First Reading, 26th April, 1893.

Mr. GIBSON
(*Hamilton*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 134.] [1893.

An Act respecting the Insurance Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation : Construction generally.

1.—(1) This Act shall be read and construed as one with *The Insurance Corporations' Act, 1892*, hereinafter called "The Principal Act."

"Trade or labour union or organization."

(2) The expression "trade or labour union or organization" means such an organization of wage-earners of a particular trade or industrial calling, as is primarily constituted and is actually operated *bona fide* for the regulation of the wages and hours of labour as between employers and the employed; but shall not be deemed to include co-operative associations or societies.

"Insurance fund" or "funds."

(3) The expression "insurance fund" or "insurance funds" shall not be deemed to include any fund or funds of a trade or labour union or organization appropriated to or applicable for the voluntary assistance of wage-earners unemployed or upon strike.

"Endowment insurance."

(4) "Endowment insurance" includes any contract of insurance which contains an undertaking to pay an ascertained or ascertainable sum at a fixed future date, provided the assured is then alive.

"Lodge."

(5) The word "lodge" includes a primary division (by whatever name known) of a friendly society.

Foreign friendly societies : incorporation of Provincial body.

2.—(1) Where a friendly society, registered under The Principal Act, has its head office elsewhere than in the Province of Ontario, the lodges or a majority of the lodges situated in the Province may file with the Registrar of Friendly Societies an application or applications for Provincial incorporation, setting forth the facts of the case and the proposed corporate name, and head office and rules of the society; also naming those persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected; also furnishing such other information as the Registrar requires.

Hearing of application and notice.

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such public notice of the hearing shall be given in the *Ontario Gazette* and otherwise as the Registrar shall direct.

Certificate of incorporation.

(3) If upon the hearing it appears to the Registrar in his discretion that such incorporation ought to be granted, he shall have authority to certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office that he finds entitled to incorporation under the name and for the purposes specified in the certificate, the persons mentioned therein.

Filing of certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Registrar of Friendly Societies shall by his certificate require to be filed; and from the day of such filing the persons mentioned in the Registrar's certificate and their associates and successors shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies;

Proviso.

Provided every body so incorporated shall forfeit its corporate powers by non-user as provided by section 63 of The Principal Act, and shall be liable to have its corporate powers suspended or revoked as provided by section 10 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 39.

Registration.

(5) Upon due application the Registrar of Friendly Societies shall have authority to admit to registry as a friendly society the body so incorporated.

Incorporation of auxiliary bodies.

3. Where it is in the opinion of the Registrar of Friendly Societies necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated, or *separately* registered, or both, the Registrar may direct the like proceedings to be taken as in the next preceding section enacted, and the filing of his certificate in the office of the Provincial Registrar shall have the same

Registration.

effect as therein enacted; also upon due application the Registrar of Friendly Societies shall have authority to admit to registry the body so incorporated.

Incorporation of subordinate lodges.

4.—(1) Any unincorporated lodge or body controlled by a registered society, and operated under the uniform rules prescribed by the said society, and not contrary to law may, through the society, make application to the Registrar of Friendly Societies for incorporation; if upon due application it appears to him that incorporation ought to be granted, he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect, and be subject to the same limitations as enacted in sub-section 4 of section 2.

Dissolution of the corporation.

(2) If the registered society should at any time revoke the warrant or charter under which the body so incorporated is operated, such revocation shall be certified in duplicate by the presiding officer and the secretary of the society under the seal thereof; one of the said duplicates shall be filed with the Regis-

trar of Friendly Societies, the other with the Provincial Registrar; and this certificate from the filing thereof in the office of the Provincial Registrar, shall *ipso facto* operate to dissolve the body so incorporated, and to vest the property, assets, funds and effects of the said body in the presiding officer and the secretary and their successors in office as trustees for the creditors and persons beneficially entitled; and the surplus (if any), after the liabilities are satisfied, shall vest in the registered society to its own use absolutely.

Disposal of assets.

5. The officers of any superannuation or benefit fund authorized by sub-section 7 of section 504 of *The Consolidated Municipal Act, 1892, or by sub-section 12 of section 496 thereof*, or established by virtue of any prior or amending municipal Act, or by virtue of any Act authorizing the establishment of a benefit fund for policemen or firemen, and the officers of any benefit fund established by virtue of section 48 of chapter 145 of the Revised Statutes, 1887, may, upon like proceedings taken as enacted in section 2 hereof, become incorporated with the same limitations of corporate powers; and the body so incorporated may, upon due application, be admitted to registry.

Superannuation or benefit funds under 55 V. c. 42, or Rev. Stat. c. 145, s. 48.

6. Where a friendly society has its head office in Ontario, and the society or the lodges of the society were, on the tenth day of March, 1890, and also on the thirty-first day of December, 1892, in actual and active operation, and though the society, being at the first mentioned date entitled to incorporation, did not, on or before that date, take out incorporation, the Registrar of Friendly Societies, upon proof of the facts, shall, in his discretion, have authority to issue a certificate of incorporation as in section 2 hereof enacted, and the filing of this certificate in the office of the Provincial Registrar shall have the same effect and be subject to the same limitations as therein provided; upon due application the Registrar of Friendly Societies shall, in his discretion, have authority to admit to registry the society so incorporated.

Unincorporated societies entitled at 10th March, 1890

7. Section 12 of *The Act to secure to Wives and Children the Benefit of Life Insurance* is amended by adding the following as sub-section 2:—

Rev. Stat. c. 136, s. 12, amended.

(2) Where it appears upon the letters of guardianship or other like document issued *or to be issued* by a court beyond the jurisdiction of the Province, or by a certificate of the Judge under the seal of such court, that it has been shown to the satisfaction of such court that the deceased at his death was domiciled or resident within its jurisdiction, and where security to the satisfaction of the court has been given by the guardian or other like officer appointed by the said letters or document, then the High Court, upon application for the appointment of *the said guardian or like officer as* trustee under this section, may dispense with the giving of security,

Where guardians appointed by foreign court.

provided it has been also shown that the infants reside within the jurisdiction of the foreign court, and that the proposed trustee is a fit and proper person, and that the security has, in accordance with the practice of such foreign court, been given in respect of and for the due application and account of the money payable under the policy.

53 Vic., c. 39, sec. 6, amended.

8.—(1) Section 6 of the Act passsed in the 53rd year of Her Majesty's reign and chaptered 39, is amended by inserting after the words "one or more of them," in the twelfth *line* thereof, the following words: "or to the mother of the assured as a beneficiary or sole beneficiary"; and the said section is further amended by adding at the end thereof the following words: "or for the benefit of any one or more of the above-mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors."

53 V. c. 39, s. 5, amended.

(2) Section 5 of the said Act is amended by striking out in the fifth and sixth lines thereof the following words: "and may as in the said section provided, vary the apportionment."

Rev. Stat. c. 167, amended.

9. *The Ontario Insurance Act* is hereby amended as follows:—

Rev. Stat. c. 167, s 107, amended.

(1) Section 107 is amended by striking out all the words down to and inclusive of the word "period" in the second line, and inserting the following words in lieu thereof: "Any contract that may be made for one year or any shorter period on the mutual system, or for three years or any shorter period on the cash system"; the said section is further amended by striking out the word "his" in the fourth line and inserting in lieu thereof the words "a new"; and is further amended by inserting after the words "cash payments" in the fifth line the words: "or premium notes."

Rev. Stat. c. 167, s. 122, sub-s. 2, amended.

(2) Sub-section 2 of section 122 as enacted by section 1 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 44, is amended by adding at the end of the said sub-section the following words: "but the notice required by section 133 of this Act to be embodied in or endorsed upon the premium note shall not be deemed to be 'other matter' within the meaning of this sub-section."

Rev. Stat. c. 167, s. 23, amended.

(3) Section 123 is amended by striking out the word "fifty" in the fifth line and inserting in lieu thereof the word "sixty."

Sec. 80 amended.

"(4) Section 80 is amended by inserting after the word "officer" in the first line, the following words "or the banker of the company."

10. The Principal Act is amended as follows:— 55 V. c. 39 amended.

(1) Sub-section 8 of section 2 is amended by adding thereto the following proviso:— S. 2, sub-s. 8 amended.

"Provided that when the subject matter of the contract is property or an insurable interest within the jurisdiction of Ontario, or is a person domiciled or resident therein, any policy, certificate, interim receipt, or writing evidencing the contract shall, if signed, countersigned, issued or delivered over in Ontario, be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof; and this proviso shall have effect notwithstanding any agreement, condition or stipulation to the contrary." Contracts to be deemed made in Ontario.

(2) Sub-section 16 of section 2 is amended by inserting after the words "friendly society" in the seventh line the following words: "not undertaking endowment insurance or annuities." Likewise sub-section 2 of section 10 is amended by inserting after the word "society" in the first line the following words, "not undertaking endowment insurance or annuities." S. 2, sub-s. 16, amended. S. 10, sub-s. 2, amended.

(3) Section 3 is amended by adding thereto the following proviso: S. 3 amended.

"Provided that no superannuation or insurance or annuity fund, managed or controlled by the Government of the Dominion of Canada for the benefit of the Civil Service thereof shall require to be registered." Civil service fund of Canada.

(4) The proviso to sub-section 2 B of section 4 is amended by adding at the end thereof the following further proviso:— S. 4, sub-s. 2B proviso amended.

"Provided also, in any case of doubt where the *bona fide* intention of a society is to afford charitable aid or relief, and not to create either any contractual right in the members or any contractual obligation against the society, upon the society making such intention apparent in its rules and publications (by such amendment, if necessary, as the Registrar shall direct), the Registrar may by writing, under his hand and the seal of his office declare the organization exempt from the operation of this Act, and such certificate shall remain valid until by like writing revoked, and the society so exempted shall not be subject to any penalty imposed by this Act." Societies for charitable purposes only.

(5) Section 6 is amended by adding thereto sub-sections 3 4 and 5 as follows:— 55 V. c. 39, s. 6 amended.

"(3) Corporations, companies or insurers within the intent of sections 3 (*a*), 49 (4), or 32 of *The Insurance Act of Canada*, may, upon due application, be admitted to registry. R. S. C. c. 124.

Lloyd's.

(4) Upon due application of any underwriter of the establishment or society known as Lloyd's, and more particularly described in an Act passed by the Parliament of the United Kingdom in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and chaptered 21, or upon due application of any such underwriter's broker, or broker's agent, the said establishment or society may for the undertaking and transaction of marine insurance be registered under the general name of Lloyd's, which shall include the corporation, all underwriters of Lloyd's for the time being and their brokers, and the agents in Ontario, of the corporation or of the underwriters or brokers. In any action or proceeding against the corporation, or against any underwriter, or broker, or agent as aforesaid, for liabilities incurred in Ontario the Inspector of Insurance may receive and accept service of process; and acceptance of service in writing under his hand shall to all intents and purposes whatsoever be legal and binding upon the corporation, underwriter, broker or agent.

Term of registry.

(5) For purposes of this and the next preceding subsection the term of annual registry shall commence and end at the respective dates hereinafter prescribed in the case of insurance licensees of the Dominion of Canada.

Principal Act amended. S. 8 amended.

(6) Section 8 is hereby amended by adding thereto sub-section 3 as follows:—

Head offices of Ontario societies.

(3) No society applying for registry or renewal of registry by virtue of its incorporation under any Act of Ontario shall be deemed to be entitled to be registered unless its head-office is situated and maintained in Ontario, and unless the presiding officer, the secretary and the treasurer are *bona fide* residents of the Province"

S. 9, sub-s. 3, amended.

(7) The proviso to sub-section 3 of section 9 is amended by striking out all the words after the word "any" in the first line down to and including the word "members" in the third line, and inserting in lieu thereof the following words:— "*bona fide* trade union or labor organization," and section 9 is further amended by adding thereto sub-section 5 as follows:—

Civil service associations.

"(5) Any association of the civil servants or employees of the Dominion of Canada, incorporated by virtue of an Act of the Parliament of Canada may, upon due application be admitted to registry."

S. 25, sub-s. 1 amended.

(8) Sub-section 1 of section 25 of the Principal Act is amended by striking out the word "Registrar" wherever it occurs and substituting therefor the words "Registry Officer,"

the said sub-section is further amended by inserting after "purpose" in the third line the words "is insolvent, or is on the verge of insolvency."

(9) Sub-section 4 of section 30 of the Principal Act is amended by striking out the word "or" in the first line and inserting the word "for" in lieu thereof. S. 30, sub s., 4 amended.

(10) Sub-section 2 of section 34 is amended by inserting, in the second line after the words "shewn in," the words "or deduced from"; also, by striking out in the the third line the word "table," and inserting in lieu thereof the word "tables." S. 34, sub-s. 2, amended.

(11) Section 35 (5) is amended by adding thereto the following proviso :— S. 35, sub-s. 5, amended.

"Provided that, instead of printing the matter required by this sub-section, the company may with the consent in writing of the Inspector of Insurance print or stamp the following words in lieu thereof :— 'Any insurance undertaken or offered to be undertaken in the Province of Ontario in respect of the lives of children under ten years of age is subject to the restrictions enacted by sub-sections 1 to 5 (inclusive) of section 35 of *The Insurance Corporations Act, 1892.*" Insurance of children's lives.

(12) Section *35 is further* amended by adding thereto sub-sections *8 and 9* as follows :— S. 35 amended.

(8) Where the money payable by way of premiums, dues or assessments, not being the initial premiums, dues or assessments, under any contract of life insurance *whatsoever* is in default, and the event upon the happening of which the insurance money becomes payable has not yet happened, any of the persons hereinafter mentioned may within thirty days after the default post by registered letter, or otherwise pay, deliver or tender to the company at its head office, or at its chief agency in Ontario, or to the company's collector or other authorized agent the sum in default, and also a further sum by way of fine if the contract of insurance by express terms so requires, such fine however in no case to exceed the rate of five cents per week per $1,000 of insurance for each complete week elapsed since the default, and not more in any case than at the rate of twenty cents per $1,000 for the whole period of default. On payment, delivery or tender, as aforesaid by the assured, or by any of the beneficiaries under the contract, the contract shall be deemed to have been *ipso facto* revived or renewed, and any stipulation or agreement to the contrary shall as against the assured or his beneficiaries be utterly void. This sub-section shall not be deemed to extend the time allowed for the payment of contributions or assessments by section 40 of the Principal Act. Days of grace

Limitation of actions.

"(9) Notwithstanding any stipulation or agreement to the contrary, any action or proceeding against the insurer for the recovery of any claim under or by virtue of a contract of life insurance may be commenced at any time within the term of one year next after the happening of the event insured against; but if not commenced within the said term, shall, in the absence of waiver by the insurer, be absolutely barred."

S. 38, sub-s. 8, amended.

(13) Section 38 (8) is amended by adding thereto the following proviso:—

Accident insurance tickets.

"Provided that in the case of railways (including therein other common carriers) desiring their ticket-agents to issue, in behalf of a registered insurance corporation, life or accident insurance contracts for terms not exceeding thirty-one days, the railway may upon due application be admitted to registry for purposes of such contracts only; and shall in respect of such registry pay to the Provincial Treasurer such commuted fee as the Inspector of Insurance shall in writing under his hand certify to the Provincial Treasurer to be in his opinion just and reasonable; the ticket-agents of the registered railway shall, but only for purposes of the said contracts, be deemed to be severally registered within the meaning of this Act for the term of the certificate of registry issued to the railway."

S. 47, sub-s. 1.

(14) Sub-section 1 of section 47 is amended by striking out the words "or of section 10" in the third line, and inserting the words "or of sections 9 or 10" in lieu thereof.

S. 51, sub-s. 2. amended.

(15) Sub-section 2 of section 51 is hereby struck out and the following sub-section is substituted therefor:—

Appeals from registry officer.

"(2) No appeal shall be allowed unless notice thereof in writing is given to the Registry Officer within two months after the judgment complained of; nor unless, within three months after the judgment complained of, the appellant gives proper security as aforesaid that he will effectually prosecute his appeal, and pay such costs and damages as may be awarded in case the judgment appealed from is in whole or in part affirmed. At least ten days' notice of any subsequent proceeding on the appeal shall be given in writing to the Registry Officer at his office.

S. 62 amended.

(16) Section 62 is amended by inserting after sub-division 2 of Division II. the following proviso:—

Ocean marine insurance.

"Provided that in the case of corporations, companies, insurers or underwriters undertaking or transacting ocean marine insurance only, and also in case of

corporations, companies, insurers and underwriters within the intent of sections 3(*a*) or 49(4) or 32 of *The Insurance Act of Canada* found admissible to registry under this Act, the fee for certificate of registry, whether original or renewed, shall be $10. R.S.C., c. 124.

Section 62 is further amended by inserting in the fourth line of Division III. after the words " shall be " the following words :—" in respect of powers of attorney as enacted in subdivision 1 of Division II., and in other respects shall be." S. 62 amended.

Section 62 is further amended by inserting after the word "with" in the fifth line of Division IV. these words "or issued by the." S. 62 further amended.

Section 62 is further amended by adding at the end of Division IV. the following words :—" Certificate of exemption from registry, $1.00 ; filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar, $1.00." S. 62 further amended.

No. 134.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Insurance Law.

First Reading, 26th April, 1893.
Second " 9th May, 1893.

(Reprinted as amended in Committee of the Whole House.)

Mr. GIBSON
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 134.] BILL. [1893.

An Act respecting the Insurance Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation: Construction generally.

1.—(1) This Act shall be read and construed as one with *The Insurance Corporations' Act, 1892*, hereinafter called "The Principal Act."

"Trade or labour union or organization"

(2) The expression "trade or labour union or organization" means such an organization of wage-earners of a particular trade or industrial calling, as is primarily constituted and is actually operated *bona fide* for the regulation of the wages and hours of labour as between employers and the employed; but shall not be deemed to include co-operative associations or societies.

"Insurance fund" or "funds."

(3) The expression "insurance fund" or "insurance funds" shall not be deemed to include any fund or funds of a trade or labour union or organization appropriated to or applicable for the voluntary assistance of wage-earners unemployed or upon strike.

"Endowment insurance."

(4) "Endowment insurance" includes any contract of insurance which contains an undertaking to pay an ascertained or ascertainable sum at a fixed future date, provided the assured is then alive.

"Lodge."

(5) The word "lodge" includes a primary division (by whatever name known) of a friendly society.

Foreign friendly societies: incorporation of Provincial body.

2.—(1) Where a friendly society, registered under The Principal Act, has its head office elsewhere than in the Province of Ontario, ☞ the Grand or other Provincial body, or ☜ the lodges or a majority of the lodges situated in the Province may file with the Registrar of Friendly Societies an application or applications for Provincial incorporation, setting forth the facts of the case and the proposed corporate name, and head office and rules of the society; also naming those persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected; also furnishing such other information as the Registrar requires.

Hearing of application and notice.

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such public notice of the hearing shall be given in the *Ontario Gazette* and otherwise as the Registrar shall direct.

Certificate of incorporation.

(3) If upon the hearing it appears to the Registrar in his discretion that such incorporation ought to be granted, he shall have authority to certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office that he finds entitled to incorporation under the name and for the purposes specified in the certificate, the persons mentioned therein.

Filing of certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Registrar of Friendly Societies shall by his certificate require to be filed; and from the day of such filing the persons mentioned in the Registrar's certificate and their associates and successors shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies;

Proviso.

Provided every body so incorporated shall forfeit its corporate powers by non-user as provided by section 63 of The Principal Act, and shall be liable to have its corporate powers suspended or revoked as provided by section 10 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 39.

Registration.

(5) Upon due application the Registrar of Friendly Societies shall have authority to admit to registry as a friendly society the body so incorporated.

Incorporation of auxiliary bodies.

3. Where it is in the opinion of the Registrar of Friendly Societies necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated, or separately registered, or both, or that two or more Societies should be incorporated or registered as one Society, the Registrar may direct the like proceedings to be taken as in the next preceding section enacted, and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as therein enacted; also upon due application the Registrar of Friendly Societies shall have authority to admit to registry the body so incorporated

Registration.

Incorporation of subordinate lodges.

4.—(1) Any unincorporated lodge or body controlled by a registered society, and operated under the uniform rules prescribed by the said society, and not contrary to law may, through the society, make application to the Registrar of Friendly Societies for incorporation; if upon due application it appears to him that incorporation ought to be granted, he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect, and be subject to the same limitations as enacted in sub-section 4 of section 2.

Dissolution of the corporation.

(2) If the registered society should at any time revoke the warrant or charter under which the body so incorporated is operated, such revocation shall be certified in duplicate by the presiding officer and the secretary of the society under the seal

thereof; one of the said duplicates shall be filed with the Registrar of Friendly Societies, the other with the Provincial Registrar; and this certificate from the filing thereof in the office of the Provincial Registrar, shall *ipso facto* operate to dissolve the body so incorporated, and to vest the property, assets, funds and effects of the said body in the presiding officer and the secretary and their successors in office as trustees for the creditors and persons beneficially entitled; and the surplus (if any), after the liabilities are satisfied, shall vest in the registered society to its own use absolutely.

Disposal of assets.

5. The officers of any superannuation or benefit fund authorized by sub-section 7 of section 504 of *The Consolidated Municipal Act, 1892*, or by sub-section 12 of section 496 thereof, or established by virtue of any prior or amending municipal Act, or by virtue of any Act authorizing the establishment of a benefit fund for policemen or firemen, and the officers of any benefit fund established by virtue of section 48 of chapter 145 of the Revised Statutes, 1887, may, upon like proceedings taken as enacted in section 2 hereof, become incorporated with the same limitations of corporate powers; and the body so incorporated may, upon due application, be admitted to registry.

Superannuation or benefit funds under 55 V. c. 42, or Rev. Stat. c. 145, s. 48.

6. Where a friendly society has its head office in Ontario, and the society or the lodges of the society were, on the tenth day of March, 1890, and also on the thirty-first day of December, 1892, in actual and active operation, and though the society, being at the first mentioned date entitled to incorporation, did not, on or before that date, take out incorporation, the Registrar of Friendly Societies, upon proof of the facts, shall, in his discretion, have authority to issue a certificate of incorporation as in section 2 hereof enacted, and the filing of this certificate in the office of the Provincial Registrar shall have the same effect and be subject to the same limitations as therein provided; upon due application the Registrar of Friendly Societies shall, in his discretion, have authority to admit to registry the society so incorporated.

Unincorporated societies entitled at 10th March, 1890

7. Section 12 of *The Act to secure to Wives and Children the Benefit of Life Insurance* is amended by adding the following as sub-section 2:—

Rev. Stat. c. 136, s. 12 amended.

(2) Where it appears upon the letters of guardianship or other like document issued or to be issued by a court beyond the jurisdiction of the Province, or by a certificate of the Judge under the seal of such court, that it has been shown to the satisfaction of such court that the deceased at his death was domiciled or resident within its jurisdiction, and where security to the satisfaction of the court has been given by the guardian or other like officer appointed by the said letters or document, then the High Court, upon application for the appointment of the said guardian or like officer as trustee

Where guardians appointed by foreign court.

under this section, may dispense with the giving of security, provided it has been also shown that the infants reside within the jurisdiction of the foreign court, and that the proposed trustee is a fit and proper person, and that the security has, in accordance with the practice of such foreign court, been given in respect of and for the due application and account of the money payable under the policy.

53 Vic., c. 39, sec. 6, amended.

8.—(1) Section 6 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 39, is amended by inserting after the words "one or more of them," in the twelfth line thereof, the following words: "or to the mother of the assured as a beneficiary or sole beneficiary"; and the said section is further amended by adding at the end thereof the following words: "or for the benefit of any one or more of the above-mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors."

53 V. c. 39, s. 5, amended.

(2) Section 5 of the said Act is amended by striking out in the fifth and sixth lines thereof the following words: "and may as in the said section provided, vary the apportionment."

Rev. Stat. c 167, amended.

9. *The Ontario Insurance Act* is hereby amended as follows:—

Rev. Stat. c. 167, s 107, amended.

(1) Section 107 is amended by striking out all the words down to and inclusive of the word "period" in the second line, and inserting the following words in lieu thereof: "Any contract that may be made for one year or any shorter period on the mutual system, or for three years or any shorter period on the cash system"; the said section is further amended by striking out the word "his" in the fourth line and inserting in lieu thereof the words "a new"; and is further amended by inserting after the words "cash payments" in the fifth line the words: "or premium notes."

Rev. Stat. c. 167, s. 122, sub-s. 2, amended.

(2) Sub-section 2 of section 122 as enacted by section 1 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 44, is amended by adding at the end of the said sub-section the following words: "but the notice required by section 133 of this Act to be embodied in or endorsed upon the premium note shall not be deemed to be 'other matter' within the meaning of this sub-section."

Rev. Stat. c. 167, s. 23, amended.

(3) Section 123 is amended by striking out the word "fifty" in the fifth line and inserting in lieu thereof the word "sixty."

Rev. Stat. c. 167, s. 80, amended.

"(4) Section 80 is amended by inserting after the word "officer" in the first line, the following words "or the banker of the company."

10. The Principal Act is amended as follows:— 55 V. c. 39, s. 2, sub-s. 8 amended.

(1) Sub-section 8 of section 2 is amended by adding thereto the following proviso:—

"Provided that when the subject matter of the contract is property or an insurable interest within the jurisdiction of Ontario, or is a person domiciled or resident therein, any policy, certificate, interim receipt, or writing evidencing the contract shall, if signed, countersigned, issued or delivered over in Ontario, be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof; and this proviso shall have effect notwithstanding any agreement, condition or stipulation to the contrary." Contracts to be deemed made in Ontario.

(2) Sub-section 16 of section 2 is amended by inserting after the words "friendly society" in the seventh line the following words: "not undertaking endowment insurance or annuities." Likewise sub-section 2 of section 10 is amended by inserting after the word "society" in the first line the following words, "not undertaking endowment insurance or annuities." 55 V. c. 39, s. 2; sub-s. 16, and s. 10, sub-s. 2, amended.

(3) Section 3 is amended by adding thereto the following proviso: 55 V. c. 39, s. 3, amended.

"Provided that no superannuation or insurance or annuity fund, managed or controlled by the Government of the Dominion of Canada for the benefit of the Civil Service thereof shall require to be registered." Civil service fund of Canada.

(4) The proviso to sub-section 2 B of section 4 is amended by adding at the end thereof the following further proviso:— 55 V. c. 39, s. 4, sub-s. 2B amended.

"Provided also, in any case of doubt where the *bona fide* intention of a society is to afford charitable aid or relief, and not to create either any contractual right in the members or any contractual obligation against the society, upon the society making such intention apparent in its rules and publications (by such amendment, if necessary, as the Registrar shall direct), the Registrar may by writing, under his hand and the seal of his office declare the organization exempt from the operation of this Act, and such certificate shall remain valid until by like writing revoked, and the society so exempted shall not be subject to any penalty imposed by this Act." Societies for charitable purposes only.

(5) Section 6 is amended by adding thereto sub-sections 3 4 and 5 as follows:— 55 V. c. 39, s. 6 amended.

"(3) Corporations, companies or insurers within the intent of sections 3 (*a*), 49 (4), or 32 of *The Insurance Act of Canada*, may, upon due application, be admitted to registry. R. S. C. c. 124.

Lloyd's.

(4) Upon due application of any underwriter of the establishment or society known as Lloyd's, and more particularly described in an Act passed by the Parliament of the United Kingdom in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and chaptered 21, or upon due application of any such underwriter's broker, or broker's agent, the said establishment or society may for the undertaking and transaction of marine insurance be registered under the general name of Lloyd's, which shall include the corporation, all underwriters of Lloyd's for the time being and their brokers, and the agents in Ontario, of the corporation or of the underwriters or brokers. In any action or proceeding against the corporation, or against any underwriter, or broker, or agent as aforesaid, for liabilities incurred in Ontario the Inspector of Insurance may receive and accept service of process; and acceptance of service in writing under his hand shall to all intents and purposes whatsoever be legal and binding upon the corporation, underwriter, broker or agent.

Term of registry.

(5) For purposes of this and the next preceding sub-section the term of annual registry shall commence and end at the respective dates hereinafter prescribed in the case of insurance licensees of the Dominion of Canada.

55 V. c. 39, s. 8, amended.

(6) Section 8 is hereby amended by adding thereto sub-section 3 as follows:—

Head offices of Ontario societies.

(3) No society applying for registry or renewal of registry by virtue of its incorporation under any Act of Ontario shall be deemed to be entitled to be registered unless its head-office is situated and maintained in Ontario, and unless the presiding officer, the secretary and the treasurer are *bona fide* residents of the Province"

55 V. c. 39, s. 9, sub-s. 3, amended.

(7) The proviso to sub-section 3 of section 9 is amended by striking out all the words after the word "any" in the first line down to and including the word "members" in the third line, and inserting in lieu thereof the following words:— "*bona fide* trade union or labor organization," and section 9 is further amended by adding thereto sub-section 5 as follows:—

Civil service associations.

"(5) Any association of the civil servants or employees of the Dominion of Canada, incorporated by virtue of an Act of the Parliament of Canada may, upon due application be admitted to registry."

55 V. c. 39, s. 25, sub-s. 1, amended.

(8) Sub-section 1 of section 25 of the Principal Act is amended by striking out the word "Registrar" wherever it occurs and substituting therefor the words "Registry Officer,"

the said sub-section is further amended by inserting after "purpose" in the third line the words "is insolvent, or is on the verge of insolvency."

(9) Sub-section 4 of section 30 of the Principal Act is amended by striking out the word "or" in the first line and inserting the word "for" in lieu thereof. 55 V. c. 39, s. 30, sub s. 4, amended.

(10) Sub-section 2 of section 34 is amended by inserting, in the second line after the words "shewn in," the words "or deduced from"; also, by striking out in the the third line the word "table," and inserting in lieu thereof the word "tables." 55 V. c. 39, s. 34, sub-s. 2, amended.

(11) Sub-section 5 of section 35 is amended by adding thereto the following proviso:— 55 V. c. 39, s. 35, sub-s. 5, amended.

"Provided that, instead of printing the matter required by this sub-section, the company may with the consent in writing of the Inspector of Insurance print or stamp the following words in lieu thereof:— 'Any insurance undertaken or offered to be undertaken in the Province of Ontario in respect of the lives of children under ten years of age is subject to the restrictions enacted by sub-sections 1 to 5 (inclusive) of section 35 of *The Insurance Corporations Act, 1892.*" Insurance of children's lives.

(12) Section 35 is further amended by adding thereto sub-sections 8 and 9 as follows:— 55 V. c. 39, s. 35, amended.

(8) Where the money payable by way of premiums, dues or assessments, not being the initial premiums, dues or assessments, under any contract of life insurance whatsoever is in default, and the event upon the happening of which the insurance money becomes payable has not yet happened, any of the persons hereinafter mentioned may within thirty days after the default post by registered letter, or otherwise pay, deliver or tender to the company at its head office, or at its chief agency in Ontario, or to the company's collector or authorized agent the sum in default, and also a further sum by way of fine if the contract of insurance by express terms so requires, such fine however in no case to exceed the rate of five cents per week per $1,000 of insurance for each complete week elapsed since the default, and not more in any case than at the rate of twenty cents per $1,000 for the whole period of default. On payment, delivery or tender, as aforesaid by the assured, or by any of the beneficiaries under the contract, the contract shall be deemed to have been *ipso facto* revived or renewed, and any stipulation or agreement to the contrary shall as against the assured or his beneficiaries be utterly void ☞The thirty days hereinbefore mentioned shall run concurrently with the period of grace or credit (if any) allowed by the insurer for the payment of a premium or of an instalment of Days of grace.

premium ; and nothing herein contained shall be deemed to extend the period of grace or credit beyond the total of thirty days. This sub-section shall not be deemed to extend the time allowed for the payment of contributions or assessments by section 40 of *this* Act

Limitation of actions.

(9) Notwithstanding any stipulation or agreement to the contrary, any action or proceeding against the insurer for the recovery of any claim under or by virtue of a contract of life insurance may be commenced at any time within the term of one year next after the happening of the event insured against; but if not commenced within the said term, shall, in the absence of waiver by the insurer, be absolutely barred.

55 V. c. 39, s. 38, sub-s. 8, amended.

(13) Sub-section 8 of section 38 is amended by adding thereto the following proviso:—

Accident insurance tickets.

"Provided that in the case of railways (including therein other common carriers) desiring their ticket-agents to issue, in behalf of a registered insurance corporation, life or accident insurance contracts for terms not exceeding thirty-one days, the railway may upon due application be admitted to registry for purposes of such contracts only; and shall in respect of such registry pay to the Provincial Treasurer such commuted fee as the Inspector of Insurance shall in writing under his hand certify to the Provincial Treasurer to be in his opinion just and reasonable; the ticket-agents of the registered railway shall, but only for purposes of the said contracts, be deemed to be severally registered within the meaning of this Act for the term of the certificate of registry issued to the railway."

55 V. c. 39, s. 47, sub-s. 1.

(14) Sub-section 1 of section 47 is amended by striking out the words "or of section 10" in the third line, and inserting the words "or of sections 9 or 10" in lieu thereof.

55 V. c. 39, s. 51, sub-s. 2. amended.

(15) Sub-section 2 of section 51 is hereby repealed and the following sub-section substituted therefor:—

Appeals from registry officer.

"(2) No appeal shall be allowed unless notice thereof in writing is given to the Registry Officer within two months after the judgment complained of; nor unless, within three months after the judgment complained of, the appellant gives proper security as aforesaid that he will effectually prosecute his appeal, and pay such costs and damages as may be awarded in case the judgment appealed from is in whole or in part affirmed. At least ten days' notice of any subsequent proceed-

ing on the appeal shall be given in writing to the Registry Officer at his office.

(16) Section 62 is amended by inserting after sub-division 2 of Division II. the following proviso:— 55 V. c. 39, s. 62 amended.

"Provided that in the case of corporations, companies, insurers or underwriters undertaking or transacting ocean marine insurance only, and also in case of corporations, companies, insurers and underwriters within the intent of sections 3(*a*) or 49(4) or 32 of *The Insurance Act of Canada* found admissible to registry under this Act, the fee for certificate of registry, whether original or renewed, shall be $10. Ocean marine insurance. R.S.C., c. 124.

Section 62 is further amended by inserting in the fourth line of Division III. after the words "shall be" the following words:—"in respect of powers of attorney as enacted in sub-division 1 of Division II., and in other respects shall be." 55 V. c. 39, s. 62 amended.

Section 62 is further amended by inserting after the word "with" in the fifth line of Division IV. these words "or issued by the." 55 V. c. 39, s. 62 amended.

Section 62 is further amended by adding at the end of Division IV. the following words:—"Certificate of exemption from registry, $1.00; filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar, $1.00." 55 V. c. 39, s. 62 amended.

No. 134.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Insurance Law.

First Reading, 26th April, 1893.
Second " 9th May, 1893.

(Reprinted as again amended in Committee of the Whole House.)

Mr. GIBSON
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 135]. BILL. [1893.

An Act respecting the Registration of Instruments relating to Lands.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
REGISTRY OFFICES, ss. 3-9.
REGISTRARS AND DEPUTIES:
Appointment, security of, &c., ss. 10-23.
Duties, ss. 24-28.
BOOKS OF OFFICE—
To be furnished by County, ss. 29-31.
Transfer of, upon alteration in limits of the Registry Division or removal of Registrar, ss. 32-34.
Copies of, when too old for use, s. 35.
ABSTRACT INDEX, s. 36.
ALPHABETICAL INDEX, s. 37.
INSTRUMENTS THAT MAY BE REGISTERED, ss. 38, 39.
PROOF FOR REGISTRATION ss. 40-60.
MANNER OF REGISTERING, ss. 61-67.
REGISTRATION OF—
Crown grants, s. 68.
Orders in Council, s. 69.
Wills, s. 70-71.
Other instruments, s. 72.
Instruments executed before 1st Jan. 1866, ss. 73-74.
REGISTRATION OF INSTRUMENTS IN FULL WHEN MEMORIALS PREVIOUSLY REGISTERED, s. 75.
DISCHARGES OF MORTGAGES, ss. 76-81.
DISCHARGE OF LIEN NOTES, s 82.
BY-LAWS, ETC., s. 83.
EFFECT OF REGISTERING OR OMITTING TO REGISTER, ss. 84-93.
Unregistered instruments after grant from the Crown void against subsequent registered purchaser, s. 84.
Powers of Attorney, s. 85.
Wills to be registered within twelve months after death, s. 86.
Deeds on sales for taxes, ss. 87, 88.
Registration as notice, ss. 89-91.
Unauthorized alterations in entries, ss. 92, 93.
Actual notice, 94.
Equitable liens invalid as against registered instruments, s. 95.
Tacking not allowed as against registered instruments, s. 95.
REGISTRATION OF PLANS, ss. 94-104.
PROVISIONS FOR RE-REGISTRATION IN CASE OF LOSS, ETC., OF REGISTRY BOOKS, s. 105.
DEFECTS IN REGISTRATION, ss. 106-109.
LIST OF PATENTS TO BE FURNISHED TO REGISTRAR, s. 110.
FEES OF REGISTRARS, ss. 111-127.
INSPECTOR OF REGISTRY OFFICES, ss. 128, 131.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Registry Act, 1893.*" R. S. O. 1887, c. 114, s. 1. Short title.

2. Where the following words occur in this Act, or in the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation.

1. "Instrument" shall include every Crown grant, Order in Council of the Dominion or of this Province, deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, power of "Instrument."

attorney, or substitution thereof, under which any such deed, conveyance, assurance, discharge of mortgage or other instrument is executed, bonds or agreements for sale or purchase of land, letter of attorney, will, probate of will, grant of adminisration, municipal road by-law, certificate of any proceedings in any Court, judgment of foreclosure, and every other certificate or judgment of any Court affecting any interest in or title to land; also, certificates of payment of taxes granted under the corporate seal of the county, city, or town by the treasurer; every sheriff's and treasurer's deed of lands sold by virtue of his office; every contract in writing; every commission and proceeding in lunacy, bankruptcy and insolvency; and every other instrument whereby lands or real estate may be transferred, disposed of, charged, incumbered or affected in any wise, affecting land in Ontario.

"Land." 2. "Land" shall include lands, tenements, hereditaments, appurtenances and real estate.

"Will." 3. "Will" shall include probate of will and exemplification, or notarial copies of probate of will, and letters of administration with the will annexed, and any devise whereby lands are disposed of or affected.

"County." 4. "County" shall include a union of counties, a city, junior county and any part of a county or counties set apart for judicial or registration purposes. R. S. O. 1887, c. 114, s. 2.

REGISTRY OFFICES.

In and for what places there shall be Registry Offices. **3.** The Registry Divisions at present existing are hereby continued; and whenever any county is separated for judicial purposes from a union of counties, or a new county is formed and set apart for judicial purposes, there shall be a separate Registry Office established therein by the Lieutenant-Governor in Council, which office shall be kept in the county town in like manner as in other county towns. R. S. O. 1887, c. 114, s. 3.

Registry divisions in Toronto. **4.** There shall be separate registry divisions for the city of Toronto, to be called respectively, East and West Toronto.

Registry office in Toronto. **5.** The registry building now on Richmond Street West in the city of Toronto, shall be and continue to be the offices of the registry divisions of East and West Toronto. The former registrar of the city of Toronto shall, during pleasure and without new appointment, be registrar for the registry division of West Toronto. 52 V., c. 19, s. 8.

Construction of offices under Rev. Stat. cc. 114 and 116. **6.** The council of the city of Toronto shall, by additions thereto to be approved by the Lieutenant-Governor in Council, provide in or in connection with the present registry building,

or otherwise, sufficient safe and proper fire-proof offices and vaults for the registry offices for both divisions of East and West Toronto, and for the office of land titles for the said city, and shall furnish the same in accordance with the provisions of this Act and *The Land Titles' Act* respectively. 52 V., c. 19, s. 10 ; 53 V. c. 30, s. 10.

Rev. Stat. c. 116.

Delivery of registry books, etc., to registrar of East Toronto.

7.—(1) The registry books, and all books of indexes, which have been kept exclusively for such part of the city of Toronto, hereby set apart as the registry division of East Toronto, and likewise all original memorials, all original duplicates, and all deeds, conveyances and wills, and all other instruments, and all maps or plans lodged according to law in his office, and relating exclusively to lands within the division of East Toronto, shall remain in the custody of the registrar of East Toronto.

(2) All other abstracts, index books and registry books original memorials and original duplicates, and all deeds, conveyances and wills, and all other instruments and maps or plans, affecting lands in both registry divisions, shall remain and continue with the registrar of the registry division of West Toronto.

(3) All wills and instruments in which there is a general devise, conveyance or power affecting lands in the city of Toronto without local description, shall be registered in the registry division of West Toronto.

(4) The registrar of the registry division of West Toronto is hereby authorised and empowered to certify to all abstracts of title and copies of instruments from such books retained in his office, and affecting lands in the registry division of East Toronto, and he is to permit searches to be made therefrom, whenever required so to do, upon being paid the ordinary fees.

(5) The present senior deputy registrar shall be the abstract clerk of the two divisions, during the pleasure of the Lieutenant-Governor, and shall perform such other duties as the Lieutenant-Governor may direct. His salary shall be paid by the two registrars, one-half each, or in such other proportions as the Lieutenant-Governor may from time to time direct.

(6) The Master of Titles is to be at liberty to inspect, by himself or his clerks, all books and papers in the said offices for his own information as such Master, without payment of fees, subject to any general rules to be made under the authority of *The Land Titles' Act.* 52 Vic., cap. 19, s. 11.

Rev. Stat. c. 116.

Registry Office may be removed.

8. Where the Registry Office in any Division appears to the Lieutenant-Governor in Council to be inconveniently situated,

he may by proclamation order the same to be removed to any other place in the Division. R. S. O. 1887, c. 114, s. 4.

County Councils to provide fire-proof offices and vaults.

9. For the safe-keeping and protection of all books, memorials, duplicates, and other instruments of whatever description, and plans, belonging to the office of Registrar, the council of every county where, at any time there are no safe and proper fire-proof offices and vaults provided by the council, or where hereafter any Registry Office is established, shall provide, furnish and maintain, and keep in good repair, a safe and fire-proof Registry Office, fire-proof vaulted, upon a plan and on a site to be approved by the Lieutenant-Governor in Council; and the said council shall keep the said Registry Office furnished with fuel and furniture and in good repair, and towns separated from counties for municipal purposes, and cities in which no separate Registry Offices exist, shall bear a ratable proportion of the expense thereof, based on the assessment of all the municipalities within the jurisdiction of the county. R. S. O. 1887, c. 114, s. 5.

REGISTRARS.

Registrars.

10. Every Registry Office shall be kept by an officer to be called the Registrar. R. S. O. 1887, c. 114, s. 6.

Registrars, how appointed, etc.

11. The Lieutenant-Governor shall, as occasion may require from time to time, by commission, under the Great Seal of the Province, appoint a fit person to the office of Registrar, and shall, in like manner, fill up any vacancy occurring by the death, resignation, removal or forfeiture of office by any Registrar, and every Registrar heretofore appointed or hereafter to be appointed shall hold office during pleasure only. R. S. O. 1887, c. 114, s. 7.

Amount of security to be given.

12. The Lieutenant-Governor may from time to time by Order in Council fix and determine the amount of the security to be given, as hereinafter mentioned, by each Registrar; but the amount of such security shall be not less than $4,000, nor more than $10,000. R. S. O. 1887, c. 114, s. 8.

[*As to security of Registrars in the unorganized Districts. See* R. S. O. c. 91, s. 36.]

Security to be given by Registrars.

Rev. Stat. c. 15.

13.—(1) Subject to the provisions of section 24 of *The Act respecting Public Officers*, before any Registrar is sworn into office, he shall execute and enter into a joint and several covenant in duplicate with two or more sufficient sureties to be approved by the Lieutenant-Governor in Council for such amounts as may be fixed and determined by Order in Council in that behalf as aforesaid.

(2) Such covenant may be in the form of Schedule (A) to this Act, or to the like effect; and to each of such covenants shall be attached an affidavit in the form of Schedule (B) to this Act, or to the like effect, made by each of the sureties therein mentioned.

(3) One of the duplicates with the affidavits appended shall be forthwith transmitted to the Provincial Secretary, to be by him retained, and the other duplicate with the affidavits aforesaid, shall be by the Registrar forthwith filed in the office of the Clerk of the Peace for the said county or union of counties where the same shall remain of record. R. S. O. 1887, c. 114, s. 9.

New covenants may be required by Inspector.

14. Any Registrar, whether appointed before or after the passing of this Act, may at any time be required by the Inspector of Registry Offices, with the approval of the Lieutenant-Governor in Council, to execute new covenants in the form and to the effect hereinbefore provided, or to furnish other sureties as may be deemed expedient, or both, and in default thereof shall be subject to the penalties mentioned in section 25 of this Act. R. S. O. 1887, c. 114, s. 10.

Copies may be obtained by any person.

15. Any person may examine and obtain a copy of the Registrar's covenant and affidavits on payment to the Clerk of the Peace of a fee for the copy and search, of one dollar, or for the search, of twenty-five cents. R. S. O. 1887, c. 114, s. 11.

Rev. Stat. c. 15, ss. 15-20 to apply to securities.

16. Sections 15 to 20 inclusive of *The Act respecting Public Officers*, shall apply to securities given by Registrars. R. S. O. 1887, c. 114, s. 12. *See also* R. S. O. c. 15, *ss.* 24-27.

Lieutenant-Governor may require Registrars to give security.

17. The Lieutenant-Governor, upon the application of any county or city interested, or without such application if he thinks fit, may require any Registrar to give security in such form and for such an amount as the Lieutenant-Governor in Council determines to be sufficient to secure the due payment of any moneys payable by the Registrar to the county or city. R. S. O. 1887, c. 114, s. 13.

Sureties of Registrars.

18.—(1) A surety for a Registrar who is no longer disposed to continue his responsibility, may give notice thereof to the Registrar and to the Provincial Secretary, and in such case the Registrar shall, under penalty of forfeiture of his office, furnish a new surety in lieu of the surety so giving notice, and shall complete and transmit the necessary covenant in that behalf to the Provincial Secretary within one month after the notice, and shall procure the approval of the new security within two months after the notice.

(2) All accruing responsibility on the part of the person giving the notice shall continue until the perfecting and approval of the new security, and shall thereupon cease. R. S. O. 1887, c. 114, s. 14.

Liability of Registrars and their sureties.

19. The Registrar and his sureties shall be jointly and severally liable on their covenant to any aggrieved person or persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the Registrar or his deputy in the performance of the duties of his office, not exceeding the penalty named therein, but this provision shall not exempt the Registrar from any further responsibility to persons sustaining damage or loss as aforesaid R. S. O. 1887, c. 114, s. 15.

Registrar's oath of office.

20. Every Registrar, before he enters upon the execution of his office shall, before two or more Justices of the Peace for the county, take the oath given in the form of Schedule (C) to this Act, which shall be transmitted to the Provincial Secretary, together with the recognizance and covenant aforesaid. R.S.O. 1887, c. 114, s. 16.

Appointment of Deputies.

21. The Registrar may by writing under his hand and his seal of office, nominate a deputy or deputies in his office, who may perform all the duties required under this Act, in the same manner and to the like effect as if done by the Registrar;

Removal.

and any Registrar may remove his deputy and appoint another in his place whenever he thinks it necessary; and in case of the

Power of Deputy in case of death or removal of Registrar.

death, resignation, removal or forfeiture of office of the Registrar, the Deputy Registrar, or in case of there being more than one, the senior Deputy Registrar, shall do and perform all and every act, matter, and thing necessary for the due execution of the said office, until a new appointment of Registrar is made by the Lieutenant-Governor. R. S. O. 1887, c. 114, s. 17.

Deputy's oath of office.

22. Every Deputy Registrar before he enters on the execution of his office, shall, before two or more Justices of the Peace for the county take the oath appointed to be taken by the Registrar, or an oath to the like effect, which oath shall be forthwith transmitted to the Provincial Secretary. R. S. O. 1887, c. 114, s. 18.

Registrars or Deputies, etc., not to act as agents, for persons taking securities on real estate, or advise as to titles, etc., in their Counties.

23. (1)–No Registrar or Deputy Registrar or clerk in his office shall, directly or indirectly, act as the agent of any corporation, society, company, person or persons investing money and taking securities on real estate within his county, nor shall the Registrar or Deputy Registrar, or clerk in the office advise, for fee or other reward, or otherwise, upon titles of land, or practise as a conveyancer, within his county, nor shall he carry on or transact within the Registry Office, any other business or occupation whatever, upon pain of forfeiture of office. R. S. O. 1887, c. 114, s. 19.

(2) No registrar hereafter appointed shall practice for gain as a barrister, solicitor, physician or surgeon; nor shall any registrar heretofore appointed, where the net income from his office is more than $1,000, nor shall any deputy registrar or clerk in the office of the registrar carry on a practice as a physician or surgeon during office hours other than a consulting practice, or out of office hours other than a consulting or office practice at his home, nor take any proceedings under the power of sale in any mortgage or other instrument affecting land either as solicitor or agent, nor shall he personally or as a member of a firm carry on a loaning business or be in any way connected with any firm having business to transact in the office of such registrar. Registrars not to engage in certain callings.

(3) The work of the registry office shall be conducted and carried on in all cases under the direction and immediate supervision of the registrar, whether heretofore or hereafter appointed. Work in registry office to be personally conducted by registrar.

DUTIES OF REGISTRARS.

24. Every Registrar shall reside within ten miles of his office, and shall keep his office at the place named in his commission or otherwise as appointed by the Lieutenant-Governor in Council, or by any Act in force respecting the same. R. S. O. 1887, c. 114, s. 20. Residence of Registrars.

25. If the Registrar in any manner misconducts himself in his office or neglects to perform his duty in every respect, as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof, then the Registrar may, at the discretion of the Lieutenant-Governor in Council, be dismissed, and he shall, moreover, together with his sureties, so far as their covenants extend, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in the High Court; and any deputy executing the office of Registrar during any vacancy by death, resignation, or forfeiture of the Registrar, shall, together with the sureties of the Registrar as far as their covenants extend, be for the same cause, and in like manner liable as the Registrar and his sureties are in this section declared to be liable. R. S. O. 1887, c. 114, s. 21. Removal for misconduct. Liability of Registrar. And of Deputy executing office.

26.—(1) The Registrar or his deputy shall, for the discharge of all duties belonging to the said office attend at his office from the hour of ten in the forenoon until four in the afternoon, every day in the year, holidays excepted, and no instrument shall be registered by him on any holiday, nor shall any instrument be received for registration by him except within the hours above named. R. S. O. 1887, c. 114, s. 22. Hours of attendance at office.

(2) Provided that the Registrars for the east and west divisions of the City of Toronto and for the County of York, or their respective deputies, shall attend at their offices for the transaction of business on Saturday, from the hour of ten in the forenoon until one in the afternoon and no longer, and no instrument shall be received by them for registration on that day except within the hours above-named. 55 Vict., c. 22, s. 1.

Registrars to make searches and abstracts.

27.—(1) The Registrar shall, when required, and upon being tendered the legal fees for so doing, make searches and furnish copies and abstracts of or concerning all instruments or memorials registered, mentioning any lot of land as described in the patent thereof from the Crown, or any lot, described by number or letter on any registered map or plan, subsequent to the registration of the map or plan, or any part of a lot where the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey; and of and concerning all wills, deeds, orders, or other instruments recorded, as may be requested of him in writing, if a writing is demanded by the Registrar; and he shall exhibit the original registered instrument, and also the books of the office relating thereto when the party desires to make a personal inspection thereof, and shall give certificates of all copies and extracts under his hand of and concerning the parties to any of such documents, or of the witnesses to the same, or any other particulars which may be required, but no Registrar shall allow any such book or instrument to be taken out of his possession or custody. R. S. O. 1887, c. 114, s. 23.

To exhibit originals of instruments, etc.

To certify copies, etc.

Certificate of registrar on abstracts.

(2) Every abstract furnished by a registrar shall be commenced and certified to in the words following :—

"Ontario, Registry office, County of Abstract of title "

and the certificate on every abstract shall be in the words following : "I certify that the above (*or the following*) are correct extracts from the only instruments recorded in this office which mention or refer to (*describe property sufficiently for identification*). This abstract does not purport to give entries from the General Register.

" Dated at this day of A.D.
at the hour of
Registrar, *or Deputy-Registrar.*" {L. S.}

Liability for errors or omissions.

(3) No registrar shall be liable in respect of entries of instruments or errors or mistakes in the entries of instruments or in respect of omissions by any of his predecessors in the office of registrar, nor for any defect or inaccuracy in any abstract or certificate arising from such error, mistake or omission, unless he had become aware of or had knowledge of the error or mistake in the said entries, or unless such abstract

or certificate shall be defective or inaccurate to the knowledge of the registrar or his deputy or the clerk by whom such abstract or certificate is made or signed.

Registrar to have a seal of office.

28. Every Registrar under this Act shall have a seal of office, to be approved of by the Inspector, and on request of any person or persons, body corporate or otherwise, shall furnish an exemplification or certified copy under his hand and seal of office, of any instrument or memorial deposited, registered, or filed, and kept in his office as Registrar, which exemplification or certified copy shall be received as *prima facie* evidence in every Court in Ontario, in the same manner and with the same effect as if the original thereof, in his office, was produced; and no Registrar or Deputy Registrar shall be required to produce any paper in his custody as Registrar or Deputy Registrar, unless ordered by a Judge of one of the Courts of Ontario, which order shall be produced to the officer issuing the subpœna requiring such production, and shall be by him noted in the margin of the subpœna, and signed by such officer. R. S. O. 1887, c. 114, s. 24. *See also* Cap. 61, s. 43. *See also* 53 Vic., cap. 21.

Not bound to produce any papers, except on order of a Judge.

BOOKS OF OFFICE.

Treasurer to provide proper books.

29. The treasurer of the county or city shall provide a fit and proper registry book for each township, reputed township, city, town, town plot laid out by the Crown, and incorporated village, the limits whereof are defined by law, and all index and other books required for the business of the office; and all registry books shall be as nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size or nearly so; and from the time the books are so provided and received at the Registry Office, the person who holds and executes the office of Registrar, shall keep and cause to be used for that purpose, a separate registry book for and of each township, reputed township, city, town, town plot laid out by the Crown, and incorporated village, the limits whereof are defined by law, within the county, for which he holds office; and he shall also keep and cause to be used for that purpose a general registry book for the whole county, in which shall be recorded all wills, probates, grants of administration and instruments in which there is a general devise, conveyance or power affecting lands without local description, and in which book an alphabetical index of the names of all the parties mentioned by name in such instrument shall also be kept; and whenever any Registrar requires a new registry book, or any other book for the use of his office, the same shall, on his application therefor, in writing, be furnished to him by the trea-

General Registry.

New books.

surer, and all books so furnished shall be paid for by the treasurer out of the county or city funds as the case may be; and all books so furnished, used and kept, shall be deemed to be the property of Her Majesty for the use and benefit of the public; and the Inspector shall have power, when, for the despatch of business, he finds it necessary, by order in writing, to permit more than one registry book to be in use at the same time for the same municipality. R. S. O. 1887, c. 114, s. 25.

If the Treasurer neglects to provide books.

30. If the treasurer refuses or neglects to furnish such books within thirty days after application therefor, the Registrar may provide the same and recover the cost thereof from the municipality of the county or city in default. R. S. O. 1887, c. 114, s. 26.

County Judge, Warden or Stipendiary Magistrate to certify books.

31. The Judge of the County Court or Warden of the county, or Mayor of a city, or the Stipendiary Magistrate of the district shall give a certificate respecting each registry or other book, so furnished or provided, in the form of Schedule D to this Act, or to the like effect, and in case of refusal shall be liable to the same penalties as are imposed by section 34 of this Act. R. S. O. 1887, c. 114, s. 27.

Provision when any place is separated from a County.

32.—(1) Where any county, city, town, town plot laid out by the Crown, incorporated village, township, reputed township or place, making part of a county wherein a separate Registry Office is or has been kept, is or has been detached from some union or county and set apart for registration purposes, or attached to or made part of another county for which a separate Registry Office is also kept, or where a separate Registry Office is established in any county or junior county, according to the provisions of this Act, the Registrar of the county from which such localities are so detached, shall deliver to the Registrar of the county set apart, or of the county whereunto the same is attached, the registry book or books and all other books and indexes which have been kept according to the statute, exclusively for such county, city, town, town plot, incorporated village, township or reputed township or place, the original memorials and original duplicates of all deeds, conveyances and wills of, or relating exclusively to, any lands within the same, and all other instruments, and all maps of cities, towns or villages within the same, lodged according to law in his office.

Certain books, etc., to be transferred.

Delivery of abstract index books, registry books, etc.

(2) Such first mentioned Registrar shall also deliver an abstract index book of all titles to lands within each of the detached localities, registered before separate registry books were kept for each township or place; and also a proper registry book containing full and complete copies of all memorials and other registered documents affecting such lands, which, by reason of their relating to two or more locali-

ties, cannot be delivered, or which though affecting one locality are entered in a registry book that is not delivered over, such copies being entered in the book in the same order and relation in which they were originally inserted; and there being inserted on the margin of the book opposite to each memorial or instrument, the number thereof and the particular time at which the memorial or instrument was originally recorded as indorsed on the back thereof by the Registrar or his deputy, at the time of the original registration thereof. The book shall be accompanied by an alphabetical index of names; he shall also deliver as aforesaid a proper registry book containing a copy of all wills and other instruments registered in any general registry book in which the names of any of the parties thereto have been entered in the alphabetical index, kept for the locality so being detached; and shall also deliver a true copy of the alphabetical index attached to any general registry book; he shall also carefully compare all of such entries with the original entries in the registry books in his office and indorse a certificate to that effect in each book before delivering the same. Instruments received by the registrar of one county or registry division from the registrar of another after the year 1885, shall be copied by the registrar by whom they were or are received.

(3) The Registrar receiving such books, and his successors shall keep the same among the registry books of his office, and deal with them in all respects in like manner, as those originally supplied to and kept therein. R. S. O. 1887, c. 114, s. 28; 52 Vict., cap. 19, s. 4.

Penalty on Registrar refusing to make transfer, etc.

33. Any Registrar who refuses to deliver the books, plans, duplicates, indexes or memorials, aforesaid, within six months after demand in writing therefor, made upon him by the Registrar entitled to receive the same, shall upon conviction thereof, before any Court of Oyer and Terminer and General Gaol Delivery, forfeit his office, and be liable to a fine, in the discretion of the Court, not exceeding $400. R. S. O. 1887, c. 114, s. 29.

Registrar removed or resigning to deliver up books, etc.

34. In case a Registrar is removed from or resigns his office, he shall forthwith deliver up all books, plans, instruments, memorials and indexes in his possession as Registrar to the person who is appointed Registrar in his stead, or to any other person who may be specially appointed in writing, by Her Majesty's Attorney-General of Ontario to receive the same, and if the Registrar refuses to do so, the Attorney-General may direct the sheriff of the county to seize and take immediate possession of the same wheresoever found, and the Registrar so offending shall be liable to a fine, in the discretion of the Court, not exceeding $2,000, and to any term of imprisonment, if the Court thinks fit to impose it, in addition to the fine, not exceeding one year. R. S. O. 1887, c. 114, s. 30.

Proceedings in case of refusal.

When any book becomes unfit for further use copy to be made.

35. Where in any Registry Office, any book from age or use, is becoming obliterated or unfit for future use, the Inspector shall, by directions in writing under his hand, order such book to be re-copied in a book of the same description as that required under section 25 of this Act, so far as the same can be deciphered by examination thereof, and of the original memorials relating thereto, which book having the order of the Inspector for the copying thereof, under the hand of the Inspector, inserted at the beginning of the book, and having the affidavit or declaration of the Registrar or his deputy, at the end of the book, to the effect that the book so copied is a true copy of the original book of which it purports to be a copy, shall be to all intents and purposes, accepted and received as the original book, and as *prima facie* evidence that the copy is a true copy of the original book; every original book shall, nevertheless, be carefully preserved, notwithstanding a copy thereof has been made, and every Registrar or his deputy, shall be obliged to make his affidavit or declaration in this section mentioned, and the Inspector shall have power to order any book which is out of repair and unfit for use to be repaired in such manner as he thinks necessary; and he shall also have power to order plans and maps deposited in any Registry Office, to be copied, mounted or bound, to be preserved in such manner as he thinks necessary. And (subject to any direction of the Lieutenant-Governor in Council in this behalf) he shall in like manner have power to order as many counterparts or copies of any abstract index book to be made as he shall deem necessary for the public convenience; also to order new plans and surveys to be made of any locality or territory in any registry division which in his judgment have become necessary and to order new abstract indexes to be made where the indexes in use have become complicated or otherwise inconvenient. R. S. O. 1887, c. 114, s. 31; 52 Vict., cap. 19, s. 5.

Original to be preserved.

Repair of books, maps, etc.

Abstract index to lots.

36. The Registrar shall, in a proper book kept for the purpose, and called the "Abstract Index," keep entered under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any plan of the subdivision of such land into smaller sections or lots after such plan has been filed in the Registry Office; and every instrument registered on and after the first day of January, 1866, mentioning such parcel or lot of land or other subdivision, and the names of every person to each instrument, and the nature of it (such as a "Will," "Grant," "Lease," "Power of Attorney,") the numbers of registration of all such instruments, for each municipality in which the land mentioned therein is situate, and the day, month, and year, of their registration, and the consideration or mortgage money mentioned therein, and a sufficient de-

scription of the land therein mentioned as to readily identify its location, shall, by the Registrar, in addition to all entries by law required, be entered in regular order and rotation under the proper heading of each such separate parcel or lot of land mentioned in such instrument, and the book or books, to be so kept by each Registrar, for the purpose of making the said entries, shall be in the form or nearly so of Schedule (E) to this Act. R. S. O. 1887, c. 114, s. 32; 52 Vict., cap. 19, s. 5, ss. 2.

Alphabetical index of names for each locality.

37. Every Registrar shall also, for each township, city, town, and incorporated village, keep an Alphabetical Index of names, exhibiting in columns the number of each instrument, the names of the different grantors, and the names of the grantees, according to the form of Schedule (F) to this Act. R. S. O. 1887, c. 114, s. 33.

INSTRUMENTS THAT MAY BE REGISTERED.

Instruments which may be registered.

38. Subject to the provisions of the next section, all instruments mentioned in section 2 of this Act may be registered. R. S O. 1887, c. 114, s. 34.

Registration of leases.

39. This Act shall not extend to any lease for a term not exceeding seven years, where the actual possession goes along with the lease; but it shall extend to every lease for a longer term than seven years. R. S. O. 1887, c. 114, s. 35.

PROOF FOR REGISTRATION.

Facts to be proved.

40.—(1) In the case of an instrument other than a will grant from the Crown, Order in Council, by-law or other instrument under the seal of any corporation, or certificate of judicial proceedings, a subscribing witness to the instrument shall in an affidavit setting forth his name, place of residence, and addition, occupation or calling, in full, swear to the following facts:

(*a*) To the execution of the original and duplicate if any there be;

(*b*) To the place of execution;

(*c*) That he knew the parties to the instrument, if such be the fact; or that he knew such one or more of them, according to the fact

(*d*) That he is subscribing witness thereto.

Form of affidavit.

(2) The affidavit may be in the form of Schedule (G) to this Act, or to the like effect. R. S. O. 1887, c. 114, s. 36.

Affidavit to be registered.

41. The affidavit shall be made on the instrument or securely attached thereto, and the instrument and affidavit shall be copied at full length in the Registry Book. R. S. O. 1887, c. 114, s. 37.

When different witnesses see different grantors execute.

42. Where an instrument is executed by one or more grantors, but not by all of them, in presence of the same witness or witnesses, and by one or more of the other parties thereto in presence of another witness or other witnesses, then and in such case the witness or one of the witnesses, whether the same be so executed in the same or in different places, shall make an affidavit in accordance with section 40 of this Act as to each separate and distinct execution of the instrument before the same is registered. R. S. O. 1887, c. 114, s. 38.

Affidavit of execution in case of instruments given in respect of purchase or delivery of goods.

43. An instrument within the meaning of section 2 of this Act, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person giving the same in respect of a purchase or delivery of any goods or in respect of an advance or loan of any money, shall not be registered unless the affidavit of execution states that the instrument was read over and explained to the owner or person executing the same, and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his land, such affidavit to be in the form in Schedule H to this Act or to the like effect. 51 Vict., cap. 17, s. 2.

Certain defects in affidavitnot to invalidate registration.

44. No registration under this Act of any instrument shall be deemed or adjudged void, or defective by reason of the name, place of residence, addition, occupation or calling of the subscribing witness thereto not being set forth in full, or being improperly or insufficiently given or described in the affidavits mentioned in and required by sections 40 and 43, nor by reason of any clerical error or omission of a merely formal or technical character in the affidavit. R. S. O. 1887, c. 114, s. 39.

Name of witness need not be set forth in full in affidavit.

45. Any instrument may be registered under this Act, notwithstanding that the Christian name or names of the subscribing witness making the affidavit is or are only set forth therein by initial letter or letters, or abbreviation or abbreviations, and not in full. R. S. O. 1887, c. 114, s. 40.

Before whom to be sworn.

46. Every affidavit made under the authority of this Act shall be made before some one of the following persons:

In Ontario.

1. If made in Ontario, it shall be made before—

The Registrar or Deputy Registrar of the county in which the lands lie.

Or, before a Judge of the Supreme Court of Judicature.

Or, before a Judge of a County Court within his county,

Or, before a Commissioner authorized by the High Court to take affidavits,

Or before any Justice of the Peace for the county in which the affidavit is sworn. R. S. O. 1877, c. 111, s. 43 (1),

Or before a Notary Public having authority in Ontario. 48 V. c. 16, s. 3 ; c. 23, s. 3.

2. If made in Quebec, it shall be made before— In Quebec.

A Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court,

Or, before a Commissioner authorized under the laws of Ontario to take, in Quebec, affidavits in and for any of the Courts of Record in the Province of Ontario,

Or, before any Notary Public in Quebec, certified under his official seal.

3. If made in Great Britain or Ireland, it shall be made before— In United Kingdom.

A Judge of the Supreme Court of Judicature in England, or Ireland, or of the Court of Session or the Justiciary Court in Scotland,

Or, before a Judge of any of the County Courts within his county,

Or, before the Mayor or Chief Magistrate of any city, borough or town corporate therein, and certified under the common seal of the city, borough or town corporate,

Or, before a Commissioner authorized to administer oaths in the Supreme Court of Judicature in England or in the Supreme Court of Judicature in Ireland or before a Commissioner authorized by the laws of Ontario to take, in Great Britain or Ireland, affidavits in and for any of the Courts of Record of the Province of Ontario,

Or, before a Notary Public certified under his official seal.

4. If made in any British Colony, or Possession, it shall be made before— In a British Colony.

A Judge of a Court of Record, or of any Court of Supreme Jurisdiction in the Colony,

Or, before the Mayor of any city, borough or town corporate, and certified under the common seal of the city, borough or town,

Or, before a Notary Public, certified under his official seal,

Or, if made in the British Possessions in India, before any Magistrate or Collector, certified to have been such under the hand of the Governor of such Possession,

Or, before a Commissioner authorized by the laws of Ontario to take, in such British Colony, or Possession, affidavits in and for any of the Courts of Record of the Province of Ontario.

In a Foreign Country.

5. If made in any Foreign Country, it shall be made before—

The Mayor of any city, borough or town corporate of such country, and certified under the common seal of the city, borough or town corporate,

Or, before a Consul, Vice-Consul, or Consular Agent of Her Majesty, resident therein,

Or, before a Judge of a Court of Record or a Notary Public, certified under his official seal,

Or, before a Commissioner authorized by the laws of Ontario to take, in such country, affidavits in and for any of the Courts of Record of the Province of Ontario. R. S. O. 1887, c. 114, s. 41; 53 Vict., cap. 30, s. 2.

6. When an affidavit of execution is required to be made out of the Province before any of the officers mentioned in sub-sections 2, 3 and 4 of this section, and the officer has not an official seal, it shall be sufficient for him so to certify.

Witnesses compellable to make affidavit.

47. Every subscribing witness shall be compellable, when necessary, by order of a Judge of the High Court or of a County Court, to make affidavit or proof of the execution of any instrument for the purpose of registration under this Act, and to do all other acts necessary for the same purpose, upon being paid or duly tendered his reasonable expenses therefor. R. S. O. 1887, c. 114, s. 42.

Affirmation or declaration in certain cases.

48. The proof may be either by affidavit or by affirmation or declaration, when by the law of the country where the proof is made, an affirmation or declaration may be substituted for an affidavit; and the Registrar shall receive the instruments so proved without any other or further proof of their due execution. R. S. O. 1887, c. 114, s. 43.

Parties not to take affidavits.

Witness to sign.

49. None of the persons authorized to take affidavits by this Act shall take an affidavit of the execution of an instrument, in case he is a party to the instrument; nor shall such affidavit for the proof of an instrument executed after the first day of January, 1866, be taken from a witness, unless the witness has subscribed his name in his own handwriting as such witness. R. S. O. 1887, c. 114, s. 44.

Witnesses insane, absent, etc.

50. Where the witnesses to an instrument are dead or are out of this Province, or have become insane, idiotic, imbecile, or of unsound mind or understanding, and whether so found by inquisition or not, or where an instrument, not by law requiring an attesting or subscribing witness thereto, has been executed without an attesting or subscribing witness thereto, or in case it is proved to the satisfaction of the Judge in this section mentioned that the place of abode or residence of such first above mentioned witnesses is unknown, any person who is or claims to be interested in the registration of the instrument, may make proof before the Judge of a County Court in Ontario, of the execution of the instrument, and upon a certificate (according to the form of Schedule (I) to this Act) endorsed on the instrument and signed by the Judge, that the Judge is satisfied by the proof adduced of the due execution of the instrument, the Registrar shall register the instrument and certificate. R. S. O. 1887, c. 114 s. 45.

Seal of Court or seal of Corporation with signature of officer to suffice for registration.

51. The seal of any Court of Record affixed to an instrument in writing, of itself, and the seal of any corporation affixed to any such instrument with the signature of the secretary or presiding officer thereof, shall be sufficient evidence of the due execution of the instrument by the Judge, Registrar, Clerk or officer of the Court signing the same, or by the corporation respectively, for all purposes respecting the registration thereof, and no further evidence or verification of the execution shall be required for the purpose of registration. R. S. O. 1887, c. 114, s. 46.

Certificates for registry. Who may sign.

52. Certificates of proceedings in the High Court for registration may be signed by one of the Registrars of the Court, or by the Clerk of Records and Writs, or by a Deputy Clerk of the Crown or Deputy Registrar, or by any other official authorized by the Court to sign the same; and such certificates may be under the seal of the Court, or under the seal of office (if any) of the officer signing the same. R. S. O. 1887, c. 114, s. 47.

Action, etc., not notice unless certificate registered.

53. The instituting of an action or the taking of a proceeding, in which action or proceeding any title or interest in land is brought in question, shall not be deemed notice of the action or proceeding to any person not being a party thereto, until a certificate signed by one of the officers in the preceding section

mentioned, has been registered in the Registry Office of the Registry Division in which the land is situate, which certificate may be in the following form:—

Form of certificate.

"I certify that in an action or proceeding in the High Court, between *A. B.*, of and *C. D.*, of some title or interest is called in question in the following land (*describing it.*)"

Dated at (*stating date and place.*)

Not necessary in foreclosure cases.

But no certificate shall be required to be registered in any action or proceeding for foreclosure or sale upon a registered mortgage. R. S. O. 1887, c. 114, s. 48.

(*As to vacating certificates of lis pendens, see 53 Vict., cap. 33.*)

Judgment affecting lands may be registered.

54. Every judgment affecting land may be registered in the Registry Office of the county or other registry division where the land is situate, on a certificate signed by one of the officers in section 52 mentioned, setting forth the substance and effect of the judgment, and the land affected thereby. R. S. O. 1887, c. 114, s. 49.

Registrar to deliver certified copy of power of attorney registered.

55. Where a power of attorney or any substitution thereof is registered, the Registrar shall deliver a certified copy or copies of such power or substitution as may be required of him, and of all the documents aforesaid connected with or relating to the same, under his signature and seal of office, in which certificate he shall declare the time, place and other particulars of registration as in other cases under this Act, and he shall also declare that the copy, which he so delivers, is a true copy of the power or substitution, and of all the other documents connected with or relating to the same of which they respectively purport to be copies, and that the originals have been duly deposited in his office according to the statute in that behalf. R. S. O. 1887, c. 114, s. 50.

Use and effect of such certified copy.

56. Every such certified copy where the original power or substitution is deposited as aforesaid, may be registered in any other Registry Office, by deposit thereof, without production of the original power or substitution, and without proof of any kind other than the production of the copy so certified as aforesaid. R. S. O. 1887, c. 114, s. 51.

Copy *prima facie* evidence.

Rev. Stat. c. 61, s. 45.

57. Every such certified copy of a power of attorney or substitution, shall be received in all cases in place of the original as *prima facie* evidence of the original power or substitution and of due execution, provided that notice has been given in the manner set forth in section 45 of *The Evidence Act.* R. S. O. 1887, c. 114, s. 52.

Powers of attorney.

58. Where a power of attorney or any substitution thereof is deposited in an office of land titles, a copy thereof certified by the master, or a local master, may be registered in any registry office in the same manner as a copy of a power of attorney certified by a registrar may be registered under section 56 of this Act. 53 V. c. 30, s. 9.

Registry of instrument in several Registry offices.

59. Where it is desired to register an instrument other than a will in more than one registry office, the same may be registered in like manner as is provided as to powers of attorney by sections 55 and 56 of this Act, and a certified copy of such instrument shall be received as evidence to the same extent as provided for in section 57 of this Act, respecting powers of attorney. R. S. O. 1887, c. 114, s. 53.

Registration of notarial copies of instruments executed in Quebec.

60. Every notarial copy of any instrument executed in the Province of Quebec, the original of which is filed in any notarial office according to the law of Quebec, and which cannot therefore be produced in Ontario, and every prothonotarial copy of any instrument executed in Quebec shall be received in lieu of and as *prima facie* evidence of the original instrument, and may be registered and treated under this Act for all purposes as if it were in fact the original instrument, and such notarial or prothonotarial copy shall be registered without any other or further proof of the execution of the same, or of the original thereof, with the seal of the Notary or Prothonotary attached. R. S. O. 1887, c. 114, s. 54.

MANNER OF REGISTERING.

Generally.

Instruments to be delivered to Registrar and registered in full.

61. All instruments that may be registered under this Act shall be registered at full length, including every certificate and affidavit, excepting certificates by the Registrar, accompanying the same, upon and by the delivery to the Registrar of the original instrument, when but one is executed, or when such instrument is in two or more original parts, upon and by delivery of one of such parts. R. S. O. 1887, c. 114, s. 55.

Special entry to be made when instrument executed by attorney.

62. Where any instrument, signed or executed by any person by attorney, shall hereafter be registered, it shall be the duty of the Registrar on registration thereof to enter a note of the fact of such signature or execution by attorney, giving the name of the attorney or attorneys, as the case may be, on the abstract indices, and on all abstracts of title thereafter furnished by him relating to the lands affected thereby. R. S. O. 1887, c. 114, s. 56.

Instruments in two or more parts.

63. In case an instrument in two or more original parts is registered, the Registrar shall endorse upon each of such original parts a certificate of the registration, in the form of Schedule J. to this Act, and any original, so certified, shall be received as *prima facie* evidence of the registration and of the due execution of the same. R. S. O. 1887, c. 114, s. 57; 52 Vict., c. 19, s. 5, ss. 3. *See* Cap. 61, s. 44.

Instruments relating to several lots in different localities.

64. Where an instrument includes different lots or parcels of land situate in different municipalities in the same county, it shall only be necessary to furnish one duplicate original of such instrument, with an affidavit of its execution, and the duplicate original and affidavit shall be copied into the registry book pertaining to each city, town, incorporated village, township, or place wherein the lands therein mentioned are situate, and the Registrar shall make the necessary entries and certificates accordingly. R. S. O. 1887, c. 114, s. 58.

Registration of deeds containing lands situate in more than one county and of which no memorial has been executed

65. Every deed executed prior to the fourth day of March 1868, affecting lands situate in more than one county, and of which said deed no memorial has been executed, may be recorded in any one of the counties in which some of the lands are situate, upon proof made in accordance with this Act, and in the other counties by deposit of a copy of every such deed and proof certified as is provided with respect to powers of attorney in sections 55 and 56 of this Act. R. S. O. 1887, c. 114, s. 59.

Copying into registry book.

66. The Registrar or Deputy Registrar of the county in which the lands are situate shall, upon production to him of the original instrument, duplicate or other original part thereof, together with an affidavit of execution, make an entry thereof in the abstract and alphabetical index books, and enter the said instrument in the registry book, in the order in which it is received, and he shall file the same with the affidavit of execution, and he shall endorse a certificate on every such instrument and upon every duplicate of the instrument in the form of Schedule J to this Act, and shall therein mention the certain year, month, day, hour and minute in which the instrument is entered and registered, expressing also in what book the same has been entered, and the number of registration; and the said Registrar or his deputy shall sign the said certificate when so endorsed, which certificate shall be allowed and taken as evidence of the respective registries in all Courts. R. S. O. 1887, c. 114, s. 60; 52 Vict., cap. 19, s. 5 (4).

Filing away instrument and affidavit.

Certificate and its effect.

Registrar to see that all copies in registers are correct.

(2) It shall be the duty of the registrar or his deputy or clerk appointed for that purpose, to see that all copies of instruments in the registers are true copies, and the registrar or his deputy or clerk shall certify all such copies by writing a memorandum containing the words "examined (*date*) certified true copy" in the margin opposite each copy in the register, such memorandum to be signed by the initials of the registrar or his deputy or clerk making the examination. When a register is completed, the registrar or his deputy or clerk, as the case may be, shall at the end thereof show by statutory declarations that the copies contained in such register and certified by them respectively, are true copies of the original instruments of which they purport to be copies. 53 Vic., cap. 30, s. 3.

67. Every page of the registry book, and every instrument entered therein shall be numbered, and the certain year, month, day, hour, and minute of registration shall be entered in the margin of the registry books, in the form of Schedule K to this Act; and the entry shall be signed by the Registrar or his deputy. R. S. O. 1887, c. 114, s. 61. Pages and instruments to be numbered.

Crown Grants.

68. Grants from the Crown shall be registered by producing the grant or an exemplification thereof to the Registrar, with a true copy sworn to by any person who has compared the same with the original; and the copy shall be filed with the Registrar. R. S. O. 1887, c. 114, s. 62. Crown Grants.

Orders in Council.

69. Orders of the Governor-General in Council or of the Lieutenant-Governor in Council may be registered in the Registry Office of the county or other registry division in which any land to which the Order in Council relates is situate by the deposit of a copy of the Order, certified by the Clerk of the Council. R. S. O. 1887, c. 114, s. 63. Orders in Council.

Wills.

70. Every will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, or an exemplification thereof, under the seal of any Court in this Province, or in Great Britain and Ireland, or in any British province, colony, or possession, or in any foreign country having jurisdiction therein, and by the deposit of a copy of the probate, letters of administration, or exemplification with an affidavit verifying such copy. R. S. O. 1887, c. 114, s. 64. Registration of wills.

(2) Where the copy of a will or of letters of probate or letters of administration has attached to it, when left or offered for registry, an affidavit or statutory declaration by the executor or administrator to the effect that after making the will the testator conveyed or parted with lands in the will described by local description, and that it was not intended or desired that the registration of the will should affect such lands, and if, in addition, it appears by the registered entries respecting such lands that the testator had parted with all his interest in or title to the said lands, the registrar shall not register, copy or enter the will as an instrument affecting such lands, nor shall he be entitled to any fees for registering and making entries and certificates in respect thereof, but shall only be entitled to the same fees in respect of the registry of such will as he would have been entitled to, had the will not contained any devise or gift of or reference to such lands by local description. 53 Vic., cap. 30, s. 4. Registration of will where testator has made subsequent conveyance of lands.

(3) Where a will is registered by the production of the original will, the affidavit of the subscribing witness or some other person must state that the testator is dead, either to the knowledge of the deponent, or as he has been informed and believes. 52 V., c. 19, s. 5, ss. 5.

Registration of letters of administration. Rev. Stat. c. 108.

71. Letters of administration which under *The Devolution of Estates Act* affect lands, may be registered in the same manner as probates of wills are now registered, and the registrar shall be entitled to charge for registering letters of administration, without a will annexed, including all entries in respect thereof, a fee of one dollar. 51 V., c. 17, s. 5.

Other Instruments.

Other instruments.

72. All instruments, other than grants from the Crown and wills, shall be registered by the deposit of the original instrument, or by the deposit of a duplicate or other original part thereof with all the necessary affidavits. R. S. O. 1887, c. 114, s. 65.

[*As to Registration of Orders and Judgments for Alimony. See* Cap. 44, s. 30.]

Instruments executed before the 1st, January, 1866.

Registration of instruments executed before 1st Jan., 1866.

73. The registration of all instruments executed before the first of January, 1866, may be made through memorials or by certificate or otherwise, as provided by the law in force prior to the Registry Act passed in the year 1865. R. S. O. 1887, c. 114, s. 66.

Proof of registration of instruments executed before 1st Jan., 1866, etc.

74. The proof that would before the first day of January 1866, have been sufficient for the registration of any instrument executed prior to the said date, shall be deemed sufficient for the registration hereafter of any such instrument; but in any such case the instrument shall be registered at full length, and the memorial and affidavit shall be deposited and filed in lieu of an original or duplicate. R. S. O. 1887, c. 114, s. 67.

Registration of instruments in full when memorials previously registered.

75.—(1) Any instrument which has been registered by memorial prior to the 1st day of January, 1866, and has endorsed thereon a certificate of the registration thereof, may be re-registered at full length in the same or any other Registry Division, by the production of the original instrument and the deposit of a copy thereof, with an affidavit verifying the copy.

(2) In re-registering such instrument the Registrar shall copy the affidavit of verification and the certificate of former registration, and shall write in the margin of the registry book the words "Original not deposited," and where the former registration was made in the same office, the Registrar shall

write upon the entry of the memorial in the registry book a memorandum as follows :—"Re-registered in full at No.——," giving a reference to the number and volume where the full registration is entered, and he shall also note the re-registration in red ink wherever in an abstract index the memorial is entered.

(3) The Registrar shall also endorse upon the original instrument a certificate of the re-registration, in a form similar to the certificate of registration given in Schedule J to this Act. R. S. O. 1887, c. 114, s. 68.

Discharge of Mortgages.

Satisfaction of mortgage how registered.

76.—(1) Where a registered mortgage has been satisfied, the Registrar, on receiving a certificate executed by the mortgagee, or if the mortgage has been assigned and the assignment registered, then executed by the assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, in the form of Schedule L to this Act, or to the like effect, executed in the presence of one witness, and duly proven by the oath of the subscribing witness thereto, in the same manner as herein is provided for the proof of other instruments affecting lands, shall register the same, and every affidavit attached thereto or endorsed thereon, at full length in its proper order, in the registry book, and shall number it in like manner as other instruments are required to be registered and numbered, and shall write in the margin of the register wherein the said mortgage has been registered, words to the following effect: "————*See certificate purporting to be discharge signed by*————(naming the person who has executed the same), *and see Registry number——of such certificate——Book* (stating the same according to the fact)," and to such marginal entry the Registrar or his Deputy shall affix his name; and the same shall be deemed a discharge of the mortgage, and the certificate so registered shall be as valid and effectual in law as a release of the mortgage, and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor. R. S. O. 1887, c. 114, s. 69.

Entry in margin of register.

Effect of such registration.

(2) In any case where a mortgage shall hereafter be paid off by any person advancing money by way of a new loan on mortgage on the same property and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan or advance, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor shall, in writing, have authorized the retention of the said discharge for a longer period. Such registration shall not affect the right (if any) of any mortgagee or purchaser who may have paid off such mortgage to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid.

How mortgages to married women discharged.

77.—(1) It shall not be necessary to the validity of any certificate of discharge of mortgage given by a married woman that the husband of such married woman should be a party to or should execute the same; and it is hereby declared that any discharge of mortgage heretofore executed by a married woman alone (and duly registered) shall be as effectual to discharge such mortgage and to re-convey all the estate of such married woman in the mortgaged lands as if the same had been executed by the husband and wife conjointly.

Mode of execution by married women.

(2) Any such certificate given between the 19th day of December, 1868, and the 29th day of March, 1873, shall be deemed to have been sufficiently executed if it has been executed jointly by such married woman and her husband; and from and after the 29th day of March, 1873, and after the passing of this Act, execution either jointly by the married woman and her husband, or pursuant to *The Married Woman's Real Estate Act* shall be deemed sufficient execution; and it shall not be necessary to produce any certificate of such married woman having been examined before any of the persons authorized by the laws in force between said dates touching her consent thereto in any wise. R. S. O. 1887, c. 114, s. 70.

Rev. Stat. c. 134.

All discharges of mortgage before 19th Dec., 1868, confirmed.

32 V. c. 9.

78. All certificates of discharge of mortgage and the registering thereof, executed by married women or registered previously to the nineteenth day of December, 1868, according to the terms of the Act passed in the thirty-second year of Her Majesty's reign, and chaptered nine, shall be as valid and binding as if done after the said date. R. S. O. 1887, c. 114, s. 71.

Release of part only of lands mortgaged.

79. In case the mortgagee or any assignee of the mortgagee desires to release or discharge part only of the lands contained in such mortgage, or to release or discharge only part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven, and registered in the same manner as in cases where the whole lands and mortgage are wholly released and discharged; and such deed or certificate shall contain as precise a description of the portion of lands so released or discharged as would be necessary to be contained in an instrument of conveyance for registration under this Act, and also a precise statement of the amount or particular sum or sums so released or discharged. R. S. O. 1887, c. 114, s. 72

Portion released to be described.

Discharge of mortgage seized under execution.

80.—(1) When a sheriff, bailiff of a Division Court or other officer, under a writ or warrant of execution against goods, seizes any mortgage belonging to the person against whose effects the writ or warrant has issued, on or affecting land in the Province of Ontario, the payment with or without suit in whole or in part to the sheriff, bailiff, or other officer by the mortgagor or any other person of the mortgage money thereby secured shall discharge the mortgage to the extent of such payment.

(2) After payment of the mortgage or any part thereof, the sheriff, bailiff, or other officer shall, at the request and expense of the person requiring the same, give a certificate in the form or to the effect of Schedule M to this Act, under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff, and the seal of the Court of which he is bailiff. Form of certificate of discharge.

(3) Upon the written request of the bailiff the clerk of the Court shall affix to the certificate the seal of the Court; and he shall file the request of the bailiff in his office. Seal of Court.

(4) The execution of the certificate shall be proved by the same oath or affirmation, and in the same manner as is provided by law for the proof for registration of other instruments affecting lands, and the certificate, shall be registered in the same manner as other certificates of discharge of mortgages are registered. Proof of execution of certificate.

(5) Every certificate so registered, if the same is of payment in full of the mortgage, shall be as valid and effectual in law as a release of the mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor as if executed by the execution debtor. Effect of certificate.

(6) Every certificate so registered, if the same is of payment of only a portion of the mortgage, shall be as valid and effectual in law as a release of the mortgage as to such portion, as if executed by the execution debtor. Effect of certificate of part payment.

(7) The provisions of this section shall extend and apply to all cases in which the seizure or payment was before, or since the twenty-first day of December, 1874. R. S. O. 1887, c. 114, s. 73. Retrospective operation.

81. It shall not be necessary that the residence or occupation of the attesting witness to any certificate of discharge of mortgage be stated in the attestation clause thereof; nor shall any such certificate, registered before the twenty-ninth day of March, 1873, be invalid or inoperative by reason of the omission to state in the attestation clause the residence or occupation of such attesting witness. R. S. O. 1887, c. 114, s. 74. Residence, etc., of witness to discharge of mortgage need not be given in attesting clause.

82. Instruments of the nature mentioned in section 43 of this Act, registered before as well as after the passing hereof, may be discharged, and the lands affected thereby released therefrom by filing in the registry office a certificate of discharge in the form contained in Schedule N to this Act, or to the like effect. 51 V., c. 17, s. 3. Discharge of instrument given in relation to purchase of goods.

By-Laws, etc.

83.—(1) Every by-law passed since the twenty-ninth day of March, 1873, or hereafter to be passed by any municipal council under the authority of which any street, road, or highway has been or is opened upon any private pro- Registration of by-laws passed since March 29, 1873.

perty, shall before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land is situate; and for the purpose of registration a duplicate original of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof.

As to by-laws etc., made before March 29, 1873.

(2) Every by-law passed before the said day, and every order and resolution of the Quarter and General Sessions passed before the said day under the authority of which any street, road, or highway, has been opened upon any private property, may at the election of any party interested and at the cost and charges of such party or municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of the order or resolution of the Quarter or General Sessions, given under the hand and seal of the Clerk of the Peace, as the case may be. R. S. O. 1887, c. 114, s. 75.

By-laws, etc. affecting changes in municipal boundaries.

(3) All by-laws, proclamations, Orders in Council and other instruments of a public, or *quasi* public nature whereby a village, town or city becomes incorporated, or the boundaries of any municipality are enlarged, diminished or in any way altered, shall be registered in the proper registry office by the municipality passing or procuring the same, and a copy of a by-law certified by the seal of the corporation and the signature of the chief officer and the clerk thereof, and a copy of a proclamation, Order in Council or other instrument certified by the chief officer of the department from which the same is issued shall be sufficient proof for registration purposes under this section.

EFFECT OF REGISTERING OR OMITTING TO REGISTER.

Unregistered instruments after grant from the Crown to be void against subsequent registered purchaser, etc.

84. After any grant from the Crown of lands in Ontario, and letters patent issued therefor, every instrument affecting the lands or any part thereof comprised in the grant shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without actual notice, unless such instrument is registered, in the manner herein directed, before the registering of the instrument under which the subsequent purchaser or mortgagee claims. R. S. O. 1887, c. 114, s. 76.

Instruments giving authority to sell and naming commission, not to bind land after one year from date.

85. Every instrument within the meaning of section 2 of this Act, which in its nature is, or purports to be, a power of attorney or authority from one person to another to sell lands, and in which instrument the commission, payment for services, or other remuneration of the attorney or agent therein named, is made a charge on the land, shall not, as against a subsequent purchaser, or the creditors of the person giving the power or authority, have effect to charge the lands

with such commission, payment for services, or remuneration, after the lapse of the time hereinafter mentioned, namely:— (1) after the lapse of one year from the making of the instrument, where the same is made or executed after the passing of this Act; (2) after the lapse of one year from the passing of this Act, where the instrument has been heretofore made or executed. 51 Vic., cap. 17, sec. 2.

Wills to be registered within twelve months from death of testator.

86. All wills or the probates thereof registered within the space of twelve months next after the death of the testator or testatrix, shall be as valid and effectual against subsequent purchasers and mortgagees, as if the same had been registered immediately after such death; and in case the devisee, or person interested in the lands devised in any such will, is disabled from registering the same within the said time by reason of the contesting of such will or by any other inevitable difficulty without his or her wilful neglect or default, then, the registration of the same within the space of twelve months next after his attainment of such will or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this Act. R. S. O. 1887, c. 114, s. 77.

Registry of deeds on sales for taxes.

Other sales under process of Court.

87. Every deed made by a treasurer or other officer for arrears of taxes shall be registered within eighteen months after the sale by such treasurer or other officer; and all deeds of lands sold under process issued from any Court in Ontario, shall be registered within six months after the sale of the lands; otherwise the parties respectively claiming under any of such sales, shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed from the treasurer or other officer. R. S. O. 1887, c. 114, s. 78. *See also* 55 V., c. 48, s. 184.

Sales for taxes before 4th March, 1868.

88. Where deeds for lands sold for taxes, or under process of law, before the fourth day of March, 1868, have not been registered within one year after the said day, the parties respectively claiming under any such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who has acquired priority of registration. R. S. O. 1887, c. 114, s. 79.

Registry to be notice.

89. The registration of any instrument, under this Act, or any former Act, shall constitute notice of the instrument, to all persons claiming any interest in the lands, subsequent to such registration, notwithstanding any defect in the proof for registration, but nevertheless it shall continue to be the duty of every Registrar not to register any instrument, except on such proof as is required by this Act. R. S. O. 1887, c. 114, s. 80.

Retrospective operation of last section.

90. So far as by the last preceding section it is provided that notwithstanding any defect in the proof for registration the registration of an instrument shall constitute notice thereof, the said section shall only apply retrospectively from the twenty-ninth day of March, 1873, as to matters and facts within the meaning of section 45 of this Act. R. S. O. 1887, c. 114, s. 81.

Entries in index and corrections.

91. (1) After an instrument has been entered in the abstract and alphabetical books, and has been copied in the registry book, no entry shall be made in the abstract index or in the alphabetical index respecting such instrument, except in the manner hereinafter provided; nor, except in such manner, shall any alteration or correction be made in any entry previously made respecting any instrument, or in any copy of any instrument in any registry book.

(2) The registrar or his deputy shall as promptly as possible after becoming aware of any omission or error in copying, cause the entries, alterations or corrections which are requisite, to be made in red ink; and a memorandum stating the date of such entry, alteration or correction shall be made in red ink in the margin of the index or registry book opposite or near thereto; and such memorandum shall be signed by the registrar or his deputy. 52 V., c. 19, s. 3.

Penalty for unauthorized alteration of entries.

92. Any person (other than the registrar or other officer when he is entitled by law so to do), who alters any of the books, records plans or registered instruments in any registry office, or makes any memorandum, words or figures in writing thereon, and whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, shall, on summary conviction therefor, before a justice of the peace, forfeit and pay a penalty of not less than five dollars, and not more than one hundred dollars besides the costs, and in default of payment thereof, he shall be imprisoned in the county of the county in which the offence was committed for a period of not less than three months, and to be kept at hard labor in the discretion of the convicting justice.

When instruments to be deemed registered.

93. Every instrument capable of registration and having the proper affidavit of execution attached thereto, shall be deemed to be registered when and so soon as the same is delivered either personally or by letter to, and received at his office during office hours, by the registrar or some officer or clerk in his office on his behalf, and a tender or payment made of the proper fees therefor, and thereafter no alteration shall be made by any person whatever in such instrument, and any person altering the same shall be deemed to be guilty of the violation provided for by the preceding section, and may be punished in like manner as therein provided.

94. Priority of registration shall prevail unless before the prior registration there has been actual notice of the prior instrument by the party claiming under the prior registration. R. S. O. 1887, c. 114, s. 82. Actual notice.

95. No equitable lien, charge, or interest affecting land shall be deemed valid in any Court in this Province, as against a registered instrument executed by the same party, his heirs or assigns; and tacking shall not be allowed in any case to prevail against the provisions of this Act. R. S. O. 1887, c. 114, s. 83. As to liens, etc. Tacking.

MISCELLANEOUS PROVISIONS.

Plans.

96.—(1) Where any land is surveyed and subdivided for the purpose of being sold or conveyed in lots, by reference to a plan which has not been already registered, the person making the subdivision shall, within three months from the date of the survey, file with the Registrar a plan of the land on a scale not less than 1 inch to every 4 chains. The plan shall shew the number of the township, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land shewn on the said plan, and where such plan is a subdivision of a lot or lots on a former plan, it shall shew the numbers or other distinguishing marks of the lot or lots subdivided, and the boundary lines of such lot or lots. The plan shall also shew all roads, streets, lots and commons, within the same, with the courses and widths thereof respectively, and the width and length of all lots and the courses of all division lines between the respective lots within the same, together with such other information as is required to shew distinctly the position of the land being subdivided. R. S. O. 1887, c. 114, s. 84, ss. 1. Registration of plans when land subdivided. Scale of plan, and what to shew.

(2) Every such plan shall be mounted on stiff paste-board of good quality, and in case it exceeds thirty inches in length by twenty-four inches in width shall be folded so as not to exceed that size. 53 Vic., cap. 30, s. 5. Plans to be mounted.

(3) Every such map or plan, before being registered, shall be signed by the person or the chief officer of the corporation by whom or on whose behalf the same is filed, and shall also be certified by some Provincial land surveyor in the form of Schedule O to this Act; and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on the map or plan, by the name by which such person, corporation or company designates the same in the manner provided by this Act; and all instruments affecting the land or any part thereof, executed after the plan is filed with the Registrar shall conform and refer thereto, otherwise they shall not be registered. R. S. O. 1887, c. 114, s. 84, ss. 2. Duty of Registrars thereafter. Instruments must conform to such plan.

(4) In the case of refusal by such person, corporation or company, his or their executors, agents or attorneys, or Penalty for refusing to register plan.

successors, for two months after demand in writing for that purpose, to lodge the said plan or map when required by any person interested therein, or by the Inspector so to do, he or they shall incur a penalty of $20 for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining, in any Division Court, in the county in which such lands are situated, in like manner as a common debt. R. S. O., c 114, s. 84, ss. 3.

How recovered.

Verification of signature to plans.

(5) The signature on a map or plan for the purposes of subsection 3 of this section shall be witnesse l and verified as other instruments are under the said Act. 52 Vict., cap. 19, s. 6.

Conditions as to registration of plans.

(6) The registrar shall not accept any map or plan for the purposes of this Act which does not comply with the provisions of this Act; and shall not accept any plan on which a road less than sixty-six feet wide is laid out, unless the assent of the proper municipal council is registered therewith, where such assent is by law necessary. 52 V., c. 19, s. 7.

Plans of unpatented lands not to be filed without consent of Commissioner of Crown Lands.

(7) The Registrar shall not receive or file, any plan or map of a sub-division of any land for which the Crown patent has not issued, unless the assent of the Commissioner of Crown Lands to such receipt and filing is endorsed thereon.

To what land this section applies.

97. Section 96 of this Act shall apply as well to lands already surveyed or subdivided as to those which may hereafter be surveyed or subdivided, subject to the provisions of section 101 of this Act. R. S. O. 1887, c. 114, s. 84, ss. 4. *See also* Cap. 152, s. 63.

Plan index book.

98. The inspector shall have power to direct where he deems it necessary that a plan index book shall be kept by the registrar in manner and form directed by the inspector. 53 Vict., cap. 30, s. 6.

Abstract index to subdivisions of townships, etc.

99.—(1) Whenever from time to time the inspector of registry offices deems that the public convenience so requires, he may direct a registrar to subdivide any township, park or other lots in a city, town or village into such blocks for abstract purposes as having regard to conveyances registered upon such lots and otherwise, he considers most convenient; and in such case an abstract index shall be prepared by the registrar for each of the said blocks as if the same had been originally a separate lot; such abstract index shall extend from the Crown Patent onwards, and shall contain those registrations only that affect the subdivision to which the index relates.

(2) Where the original lines of the lots do not form the boundaries of such blocks, public streets shall be taken as the boundaries thereof.

(3) Where a plan of a lot or part of a lot subdividing the same has heretofore been registered, or where a plan is hereafter registered of a lot or part of a lot not previously sub-

divided by a registered plan, the inspector may direct the registrar to prepare an abstract of all instruments affecting the part subdivided, and to enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on such plan.

(4) Whenever and as often as a further subdivision of any of the lots on said plan is made, the inspector may direct the registrar to prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the filing of the previous plan onwards.

(5) The registrar shall be allowed for preparing such abstracts, so far as the same relate to instruments registered prior to the inspector's directing the subdivision, such amount as the inspector may determine to be reasonable for the work performed, and the same shall be paid by the owner who registers the plan or out of the fees payable to the county or city under section 119 of this Act, as the inspector may direct.

(6) For abstracts prepared for the purposes of plans hereafter registered, the registrar shall be entitled to receive from the persons registering such plans, the usual fees for preparing such abstracts; such fees to be paid in addition to the fees for registering such plans. 52 V., c. 19, s. 1.

Registration of instruments referring to an unregistered plan.

100. No instrument referring to an unregistered plan shall be registered unless where an instrument referring to such plan has been already registered in respect of the same land; and in case the registrar objects to register any instrument on account of its referring to an unregistered plan, he shall be justified in doing so until and unless the person desiring registration of the instrument refers the registrar to the number of an instrument previously registered in respect of the same land referring to the said unregistered plan. 52 V., c. 19, s. 2.

When plan must be registered in case of lands subdivided before March 4, 1868.

101. In sales of lands under surveys or subdivisions made before the fourth day of March, 1868, where such surveys or subdivisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily indentified, the plan or survey shall be registered within six months after the passing of this Act, if the plan or survey is still in existence and procurable for registration and filing under the next preceding section, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by some duly authorized Provincial land surveyor, or as nearly as may be according to the proper original survey or subdivision, and the same when so made shall be filed as if under section 96 of this Act. R. S. O. 1887, c. 114, s. 85.

Plan not binding until some sale is made under it; alterations in plan.

102. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same or his assigns, by the High Court, or by a Judge of the said Court, or by the Judge of the County Court of the county in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient. An appeal shall be from any such order to the Court of Appeal. R. S. O. 1887, c. 114, s. 86.

Appeal.

Plans of towns or villages to be registered in certain cases.

103.—(1) Where an incorporated city, town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with section 96 of this Act, the municipal council of the township within which such unincorporated village is situated or of such incorporated city, town or village, shall, upon the written request of the inspector or of any person interested, addressed to the clerk of the municipality, immediately cause a plan of such city, town or village to be made upon the scale provided for under this Act, and to be registered in the registrar's office of the registry division within which the municipality lies, which map or plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor, that the same is prepared according to the directions of the municipality, and in accordance with this Act, and to the map or plan the corporate seal of the municipality shall be attached.

Payment of expenses.

(2) The expense attending the preparing and depositing of the map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated villages, where the same shall be paid by a special rate to be levied by assessment on all ratable property comprised in the unincorporated village, as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate; and in case of the refusal of the municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, the municipality shall incur the same penalty, and the same shall be recoverable in the manner provided in section 96 of this Act.

Registration of plans of township sub-divisions in certain cases.

(3) Where land in a township has been or shall hereafter be sold under surveys or subdivisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under this or any other Act in that behalf, the council of the township may, at the written request of the Inspector, or of any per-

son interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the preparation of and filing of the map or plan shall be paid by a special rate to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovering of such last mentioned expenses as it has for compelling payment of taxes.

Obligations not impaired.

(4) Nothing in this section contained shall be deemed or construed to relieve any person from any liability, duty, obligation, or penalty provided or imposed by or under any of the provisions of section 96 of this Act. R. S. O., c. 114, s. 87.

Order of county judge directing sub-division in lots to be made.

(5) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or where portions of lots shown by any registered plan or sub-division have been sold, and the lots or parcels so sold are not distinguished by numbers or letters, the judge of the county or district in which the land is situate may, on the application of the inspector, after such notices as the judge may think reasonable, on being satisfied that it is expedient so to do, make an order directing the registrar, in whose division such land is situate, to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as he shall think fit, and a plan or plans thereof made in accordance with the records in the registry office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, which plan shall have the order of the judge endorsed thereon, signed by him. The costs and expenses of and incidental to such plan and the registration thereof shall be borne by the person, corporation or municipality to be named by the judge in the order. Such order shall be entitled in the county court and in the matter of the lands in question and on filing the order with the clerk of the county court, the same may be enforced as if it were a judgment of the court. The registration of such plan shall be binding on all parties subsequently dealing with the lands or any part thereof included in the plan or any interest in or concerning the same, but shall not affect in any way the rights or interests of any owner or other person entitled at or prior to the date of registration.

Delivery of plans to municipal treasurers.

104. Every person who is required to lodge with the registrar a plan or map of any survey or sub-division of land in any municipality shall at the same time deposit with the said registrar a duplicate of such plan or map and the registrar shall endorse thereon a certificate shewing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall upon request and without

any fee being chargeable in respect thereof, be delivered by the registrar to the treasurer or assessment commissioner of the local municipality in which such land is situate. The registrar shall not register any such plan or map unless and until a duplicate thereof is deposited in accordance with the provisions hereof.

Re-registration where Registry Books lost, etc.

Provisions for re-registration in case registry books or papers are lost or destroyed.

105.—(1) In any case where the registry books and papers were before the fourth day of March, 1868, lost or destroyed and the memorials are not forthcoming, upon proof being made to that effect before a Judge of any Court of Record in this Province to the satisfaction of the Judge as evidenced by a certificate under his hand, it shall be lawful for the Registrar for the Registry Division where the lands are situate to register the instrument upon production thereof, and no further proof shall be required by the Registrar than the original certificate of registration endorsed on such instrument; and any such instrument shall have priority according to the date of the original certificate.

(2) The instrument shall be filed away by the Registrar and preserved with the records of his office, and in case memorials have not been copied into the registry books in their proper order, the Inspector may cause the same to be entered in proper books to be procured for the purpose, in the same manner as provided in section 29 of this Act, and the Registrar shall be paid therefor in the same manner as under sub-section 7 of section 111 of this Act. R. S. O. 1887, c. 114, s. 89.

Defects in Registration cured.

Registration made before 4th March, 1868, not to be deemed void for certain defects.

106. No registration of any deed or other instrument made before the fourth day of March, 1868, shall be deemed or adjudged void by reason of the name or names, residence or residences, addition or additions of the witness or witnesses to the deed or instrument being improperly given or described in the registered memorial thereof, or being either in part or altogether omitted from such memorial, or by reason of any clerical error or omission of a formal or technical character therein; and all registrations before the said day effected in separate registry books of unincorporated villages, are hereby confirmed, where the law has been otherwise complied with; and such separate registry books shall be taken and held to form part of the registry books of the municipality of which the unincorporated village forms a part; but such books shall not be further used. R. S. O. 1887, c. 114, s. 90.

Registration in books for unincorporated villages.

Proviso.

Defective registrations before 29th March, 1873, not to be deemed void.

107. The registration of an instrument had before the twenty-ninth day of March, 1873, shall not be deemed void by reason of any defect in the proof for registration; but this

section shall not apply to any matter or fact adjudged or decided upon before the said date by any Court of competent jurisdiction in that behalf. R. S. O. 1887, c. 114, s. 91.

Registrations, etc., not to be deemed void by absence of certificates, etc., in margin of books.

108. No registration or entry made before the said last mentioned date shall be adjudged or held to be void by reason of the Registrar having failed or omitted to make or sign the certificate of entry, discharge, or registration required to be made in the margin of, or elsewhere in the registry books or other books of entries: and in case of such failure or omission, the certificate may be made or signed by any subsequent Registrar, and shall have the same force and effect as if it had been made or signed by the Registrar whose duty it was to have made or signed it. R. S. O. 1887, c. 114, s. 92.

The case of part of a township made part of a new township without change of registry books provided for.

109.—(1) In case a part or parts of any township or townships as originally laid out, surveyed and named, had before the said last mentioned date been made or erected into a new township, but, nevertheless, the registrations of instruments affecting or respecting land in said first mentioned township or townships, and the registry books and indexes therefor and relating thereto continued to be and were on the said date used, made, kept, entered and registered for and of said first mentioned township or townships, and as if the same had continued to be as so originally laid out, surveyed and named, then and in every such case, and for and in respect of all matters and purposes of or relating to any such instrument either before or after the said date and any and all such registrations, registry books and indexes, and the description therein of any land or premises, said first mentioned township or townships shall be deemed, considered and taken as if the same had continued to be and remained as so originally laid out, surveyed and named.

Proviso.

(2) Nothing in this section contained shall be deemed or taken as relating to or affecting any incorporated town or village, or the land therein, or the registration of any instrument respecting the same, from or after the time of the incorporation of said town or village.

Proviso.

(3) Nothing in this section contained shall impair or make defective any instrument or the registration thereof, because of any land being therein described or mentioned as situate in such new township. R. S. O. 1887, c. 114, s. 93.

List of Crown Grants to be furnished to Registrar.

Provincial Secretary to furnish statement of Crown grants once every three months.

110. The Provincial Secretary shall once in every three months, furnish to each Registrar a statement containing a list of the names of all persons to whom patents have issued from the Crown for grants of land within the county since the former statements, and of all persons whose patents have been cancelled, since the former statements, and with such general

Maps to be furnished by Commissioner of Crown Lands.

or particular descriptions, as the case may require; and the Commissioner of Crown Lands shall furnish copies of all plans or maps of towns and townships within the same, which have not been already furnished, and in cases where no proper survey of any township has been made he may cause a proper survey and plan thereof to be made and furnished. R. S. O. 1887, c. 114, s. 91. *See also* Cap. 24, ss. 35-37.

FEES OF REGISTRARS.

Fees.

111. Every Registrar shall be allowed the following fees for the following services, and no more:

For registrations generally.

1. For the necessary entries and certificate in registering every instrument other than those hereinafter specially provided for, including among such certificates the certificate on the duplicate, if any, forty cents; and for registering every instrument, other than those hereinafter specially provided for, $1

But in case the said instrument exceeds seven hundred words, then at the rate of fifteen cents for each additional one hundred words or the fractional part thereof, up to fourteen hundred words, and at the rate of ten cents for each additional hundred words or fractional part thereof over fourteen hundred

If the instrument includes different lots in different localities.

And if the said instrument embraces different lots or parcels of land, situate in different municipalities in the same county, the registration and copying of such instrument together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows: Where the aggregate copying does not exceed 700 words, $1.40; where the aggregate copying exceeds 700 words, the sum of fifteen cents for every hundred words or fractional part thereof up to 1,400 words, in addition to the said sum of $1.40; and where the aggregate copying exceeds 1,400 words the sum of ten cents for every hundred words or fractional part thereof in addition to the above charges; the said fees shall include all certificates and necessary entries, but in case the said instrument embraces more than four different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of four, but not to exceed $5 for such entries. 55 Vict., cap. 30, s. 7.

For searches as to title.

2. For searching the registry books and indexes relating to the title of any lot or part of a lot of land as originally patented by the Crown, or as afterwards subdivided into smaller lots, shewn by any registered map or plan thereof, when not exceeding four references, twenty-five cents, and five cents for every

additional reference; but in no case shall a general search into the title to any particular lot, piece or parcel of land exceed the sum of $2. "A 'reference' under this sub-section shall mean a search of a copy of an instrument in the register, and if the abstract indexes only are examined, the total fee for searching any such lot or part of a lot including four references, shall be 25 cents. The word 'lot' shall mean one parcel of land as originally patented by the Crown and where such parcel has been sub-divided shall include any one of the lots in any such sub-division or re-subdivision, a plan of which has been registered. No person shall make copies of or extracts from any instruments, documents, books, papers or records in the registry office, or of any matter contained therein, to an extent in the aggregate exceeding 300 words for any one lot or part of a lot, except on payment (in addition to the fees for search) of 5 cents for each 100 words or fraction thereof in excess of said 300 words.

3. For searching, if specially required, the alphabetical index of names referred to in section 37 as to each name in the books of any one township, or other legally defined municipality in the county, twenty-five cents; but if a general search as to any such name is made throughout the county, the aggregate of fees for such search shall not exceed $1; Searching Alphabetical Index. General search.

4 For every abstract of title to any specific parcel of land certified by the Registrar containing such particulars as to any number of the registered instruments affecting such parcel of land as the party searching may require, twenty-five cents; and when such abstract exceeds one hundred words, fifteen cents for every additional hundred words; and for copies of instruments when required, ten cents for each hundred words; The fees for every abstract shall appear on the face thereof and shall show the items making up the amount of such fees. Where there are two or more lots for which abstracts are required and the entries on such lots are identical, the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title to such lots shall be included in one abstract, and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of twenty-five cents as for a search on each lot after the first lot, and for the first lot he shall be entitled to the same fees as are now payable under this Act in respect of one lot. Abstracts title.

5. For each certificate furnished by the Registrar, except those made under sub-sections 1 and 4 of this section, twenty-five cents; Certificates

Filing plans.

6. For registration of any plan of town or village lots, including all necessary entries connected therewith, $1; but in case the plan embraces more than 20 lots, the registrar shall be allowed a fee of 5 cents for each lot in excess of 20, not to exceed in the whole $5.

Statements under Sections 32 and 35.

7. For furnishing the statement and copies required under sections 32 and 35 of this Act, to be paid by the county treasurer, to which any city, town, township, village or place belongs or is attached, the sum of ten cents for every folio of one hundred words contained in such statement so furnished or copy so made; and the county treasurer shall also pay such sum as the Inspector may order in writing, specifying the nature of the service under any section of this Act, for repairing any book, or copying, mounting, or binding plans under the provisions of section 35 of this Act; and towns separated from counties for municipal purposes, and cities in which no separate Registry Office exists shall bear a ratable proportion of the expense thereof, based on the assessment of all the municipalities within the jurisdiction of the county.

Affidavits.

8. For drawing each affidavit and swearing the deponent thereto, twenty-five cents; the same fee to be allowed for administering the oath when that only is required;

Showing originals.

9. For exhibiting in the office each original registered instrument, including search for same, ten cents;

Certificates of discharge.

10. For registering each certificate of payment of mortgage money, and every other certificate excepting certificates provided for in the next succeeding sub-section, including all entries and certificates thereof, fifty cents; but in case the said certificate affects more than 4 different lots or parcels of land, the registrar shall be allowed a fee of 5 cents for each lot in excess of four, not to exceed in the whole $2 for the registration of such certificate."

Fees of registrar.

11. The registrar shall be entitled to charge for registering a certificate under section 83, including all entries in respect thereof, the same fees as are chargeable for registering a certificate of discharge of mortgage. 51 V. c. 17, s. 4

Of payment of taxes.

12. For registering each certificate of payment of taxes, twenty-five cents;

Figures, how charged.

13. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities, the same shall be charged as if each number, though composed of several figures, were but one word. R. S. O. 1887, c. 114, s. 95;

112. When any dispute arises in regard to any question of fees under this Act, the registrar shall forthwith submit the same to the inspector, and shall thereupon notify the person interested or his agent of such submission, and the decision of the inspector upon the question submitted shall be final, unless appealed from and varied by appeal as hereinafter mentioned. All decisions given by the inspector shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a master in chambers or local master. 53 Vict., cap. 30, s. 2. Disputes as to fees.

113. Every Registrar shall keep posted up in some conspicuous place in his office a printed schedule of the fees and charges authorized under this Act. R. S. O. 1887, c. 114, s. 96. Table of fees.

114. Every Registrar shall upon request of the person for whom the service is performed, furnish a statement in detail of the fees charged by him in respect of any matter for which fees are payable under the provisions of this Act. R. S. O. 1887, c. 114, s. 97. Registrars to give statement of fees payable in any matter.

115. Should the treasurer of any county or city in which a separate Registry Office is established, on the request of the Registrar for the duties performed according to this Act, refuse to pay the fees and allowances for any services required by this Act, the Registrar may prove and recover the same and the cost thereof from the corporation of the county or city in any Court of Record in Ontario; and the Inspector's certificate of the amount and of the services rendered shall be *prima facie* evidence of the right to recover. R. S. O. 1887, c. 114, s. 98. Recovery of fees from municipal corporations. Evidence.

116. The Registrar shall not be compelled to register any instrument unless the fees authorized by this Act are first paid thereon. R. S. O. 1887, c. 114, s. 99. Fees payable before registration.

117.—(1) Every Registrar shall keep a separate book in which he shall enter, from day to day, all fees and emoluments received by him by virtue of his office, shewing separately the sums received for registering each instrument, and for searches, and for extracts or copies. Registrars to keep accounts of fees.

(2) Every registrar shall make, up to and including the 31st day of December of the previous year, a return under oath to the Lieutenant-Governor annually on or before the 15th day of January, and such return, in addition to any other information which may be required in connection therewith, shall show:

(1) Total number of instruments registered and fees therefor;

(2) Number uncopied and uncompared;

(3) The number of patents registered and fees therefor;

(4) The number of deeds registered and fees therefor;

(5) The number of mortgages registered and fees therefor;

(6) The number of discharges of mortgages registered and fees therefor;

(7) The number of wills registered and fees therefor;

(8) The number of leases registered and fees therefor;

(9) The number of abstracts and fees therefor;

(10) The number of searches and fees therefor;

(11) The number of mechanics' liens and fees therefor;

(12) The number of all other instruments registered or filed and fees therefor;

(13) Amount received for work done for which county, city, or other municipality is liable;

(14) Amount received for other services not enumerated above;

(15) Fees earned and not received;

(16) Gross amount of fees earned for the year;

(17) Gross amount for the previous year;

(18) Amount paid to deputy registrar for services and amount of other charges in connection with the office paid by registrar;

(19) Amount of surplus paid to the county or city for the year and when paid;

(20) Amount of such surplus for the previous year;

(21) Net amount received by registrar.

(3) The return shall show (1) The number of mortgages registered during the year classified as follows:—

Class 1—The number of mortgages where the consideration is nominal or the amount not specified.

Class 2—The number of mortgages where the consideration is $1,000 or under.

Class 3—The number of mortgages where the consideration is over $1,000 and not exceeding $2,000.

Class 4—The number of mortgages where the consideration is over $2,000 and not exceeding $5,000.

Class 5—The number of mortgages where the consideration is over $5,000.

Such return shall also show the aggregate amount of such mortgages.

(4) Sub-sections 2 and 3 of this section shall not come into force until the first of January, 1894.

Registrar to furnish clerk or assessment commissioner with list of conveyances.

118. The registrar shall, upon request, furnish to the clerk or the assessment commissioner of a city, a list of all absolute conveyances whereby property has been transferred, which have been registered in his office during the next preceding month, and in such list shall include the names of the grantor, the grantee, the consideration shown in such transfer, and a short description of the land conveyed; provided that such list shall not include leases for less than twenty-one years, mortgages, discharges of mortgage, or other like instruments, and that the registrar shall be entitled to have and receive therefor a fee of five cents for every instrument included in said list.

Registrar's emolument when fees do not exceed $2,500.

119. Every Registrar shall be entitled to retain to his own use in each year all the fees and emoluments received by him in that year up to $2,500. R. S. O. 1887, c. 114, s. 101.

When fees are between $2,500 and $3,000.

(2) Of the further fees and emoluments received by each Registrar in each year, in excess of $2,500, not exceeding $3,000, he shall be entitled to retain to his own use ninety per cent. and no more. R. S. O. 1887, c. 114, s. 102.

When fees are between $3,000 and $3,500.

(3) Of the further fees and emoluments received by each Registrar in each year, in excess of $3,000 not exceeding $3,500, he shall be entitled to retain to his own use eighty per cent. and no more. R. S. O. 1887, c. 114, s. 103.

When fees are between $3,500 and $4,000.

(4) Of the further fees and emoluments received by each Registrar, in each year, in excess of $3,500 not exceeding $4,000, he shall be entitled to retain to his own use seventy per cent. and no more. R. S. O. 1887, c. 114, s. 104.

When fees are between $4,000 and $4,500.

(5) Of the further fees and emoluments received by each Registrar in each year, in excess of $4,000 not exceeding $4,500, he shall be entitled to retain to his own use sixty per cent. and no more. R. S. O. 1887, c. 114, s. 105.

When fees exceed $4,500

(6) Of the further fees and emoluments received by each Registrar in each year in excess of $4,500 he shall be entitled to retain to his own use fifty per cent. and no more. R. S. O. 1887, c. 114, s. 106.

Application of surplus fees.

Return.

120.—(1) On the fifteenth day of January in each year every Registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is Registrar, a duplicate of the return required by this Act, and shall also pay to such treasurer for the uses of the municipality such proportion of the fees and emoluments received by him during the preceding year, as under this Act he is not entitled to retain to his own use.

(2) Where a Registry Division includes a county or part of a county, and a city or town separated from the county for municipal purposes, the amount aforesaid shall be paid to the treasurer of the county and to the treasurer of the city or town for the use of the municipality in the same proportions in which the gross fees and emoluments are derived from extracts, searches, registrations, and other charges in respect of lands situate in the county, and in respect of lands situate in the city or town. R. S. O. 1887, c. 114, s. 107.

Percentage of fees payable to Provincial Treasurer. 55 V. c. 17.

121. Of the net income of each year every registrar shall pay to the Provincial Treasurer for the purposes mentioned in the *Act respecting Fees of Certain Public Officers*, passed in the 55th year of Her Majesty's reign, the following percentages on the net income over $2,500, viz. :—

(*a*) On the excess over $2,500, not exceeding $3,000, ten per cent. thereof.

(*b*) On the excess over $3,000, not exceeding $3,500, twenty per cent. thereof.

(*c*) On the excess over $3,500, not exceeding $4,000, thirty per cent. thereof.

(*d*) On the excess over $4,000, forty per cent. thereof. 55 Vict., cap. 17, sec. 7.

'Net income," meaning of.

122. For the purposes of this Act, "net income" shall mean the excess of all fees and emoluments, including receipts in the current year, whether on account of the earnings or salary of such year or of any former year or years after the first day of January, 1893, by the registrar, after deducting the disbursements incident to the business of his office and after payment to the municipality of the proportion of fees provided by section 118. 55 Vict., cap. 17, sec. 1.

Returns to Provincial Treasurer.

123. On the 15th day of January in each year every registrar shall transmit to the Provincial Treasurer a return under oath of all fees and emoluments, including salary, if any, whether received in cash or not, and also the disbursements incident to the business of his office up to and including the 31st day of December of the previous year, and shall with such return transmit to the said Provincial Treasurer such proportion of the fees and emoluments received by him during the preceding year as he is required under this Act to pay to the said treasurer. 55 Vict., cap. 17, sec 10.

Fees for services under election laws.

124. Nothing herein contained shall be construed to apply to the fees or emoluments of any registrar received on account of services as returning officer under the Election Acts of the Province of Ontario or Canada. 55 Vict., cap 17, sec. 12.

Lieutenant-Governor may make rules and regulations.

125. The Lieutenant-Governor in Council may make rules and regulations for the management of the office of registrar,

and may, by such rules, confer on the inspector such powers as may be deemed necessary for carrying out the provisions of this Act, and all other acts relating to the duties of registrars. All such rules and regulations shall be laid before the Legislative Assembly within the first ten days of the session after the making thereof. 55 Vict., cap. 17, sec. 13.

Disbursements subject to revision of inspectors.

126. The disbursements of the registrars shall be subject to the revision of the inspector, and for the purposes of such revision the inspector shall have power to take evidence and examine witnesses under oath. 55 Vict., cap. 17. sec. 14.

Fees under ss. 32 and 35, etc., not included in above provisions.

127. In the fees and emoluments mentioned in sections 119, 120, 121 and 122 of this Act, shall not be included any sums receivable from the municipality for the preparation of abstract indexes, or for work done under sections 32 or 35 of this Act. R. S. O. 1887, c. 114, s. 108.

INSPECTOR OF REGISTRY OFFICES.

Appointment of Inspector, and his duties.

128. The Lieutenant-Governor may, from time to time, appoint an Inspector of Registry Offices, whose duty shall be,

Inspection of building.

1. To make a personal inspection of the building in which each office is kept, and of the books, deeds, memorials and other instruments in each Registry Office;

Books, etc

2. To see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indexes are properly kept, and that all the memorials and other instruments are duly endorsed and certified, and preserved;

Office hours.

3. To ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the Registrar or his deputy;

Seals of office.

4. To settle on some uniform device for the official seals, and to see that the Registrars supply themselves therewith;

New indexes.

5. To inspect all new abstract and alphabetical indexes, and to settle and certify the sums, if any, chargeable therefor;

Plans.

6. To ascertain whether the proper plans required by this Act have been filed in the several Registry Offices, and where necessary, to enforce the provisions of the law in that respect, and he may instruct the County Crown Attorney to take the necessary proceedings for that purpose;

Reporting vacancies.

7. To report upon any vacancies by death or otherwise, in the offices of Registrar and Deputy Registrar;

Instruction of registrar in his duties.

8. To inform the Registrar how and in what manner he shall do any particular act or amend or correct whatever he

may find amiss ; and in case he finds the work improperly performed by any Registrar, he shall have power to order a new book or books to be prepared and completed by the Registrar at his own expense ;

Sufficiency or insufficiency of sureties.

9. To ascertain the sufficiency or insufficiency of the sureties for the Registrar, and whether they are living or dead ; and

Reporting to Lieutenant-Governor.

10. To report upon all such matters, as expeditiously as may be, to the Lieutenant-Governor for his information and decision. R. S. O. 1887, c. 114, s. 109.

Registrar to furnish information to inspector.

129. The registrars shall transmit to the inspector of registry offices such particulars with reference to the business of such offices as the said inspector may require. 53 V., c. 30, s. 11.

Duty of inspector on finding work in arrear.

130. In the event of the work of any registry office being in arrear, and it appearing to the inspector that no sufficient reason is given therefor, the inspector shall employ such assistance as he may deem necessary to perform the work so in arrears, and the cost of such assistance shall be payable by the registrar to the parties entitled, on the certificate of the inspector.

Pay of Inspector.

131. A sum not exceeding $2,000 per annum, which shall include all travelling and other expenses, shall be allowed to the Inspector of Registry Offices. R. S. O. 1887, c. 114, s. 110.

SCHEDULE A.

(*Section* 13.)

FORM OF COVENANT OF REGISTRAR.

Know all men by these presents, that we, *A. B.*, Registrar of Esq., and *C. D.*, of Esq., and *E. F.*, Esq., do hereby jointly and severally for our and each of our heirs, executors and administrators, covenant and promise, that the said *A. B.*, as Registrar of shall well, truly and faithfully perform the duties and obligations of his office as such Registrar, and that neither he nor his Deputy shall negligently or wilfully misconduct himself in his said office to the damage of any person or persons whomsoever ; nevertheless, it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than the following, that is to say : against the said *A. B.* in the whole, $ [*the amount fixed by Order in Council*]; against the said *C. D.* and *D. F.*, $ respectively [*the amount fixed by Order in Council for each*].

In witness whereof we have hereunto set our hands and seals this day of , A. D. 18 .

Signed, sealed and delivered in presence of

}

SCHEDULE B.

(*Section* 13.)

FORM OF AFFIDAVIT OF JUSTIFICATION.

County of } I, *A. B.*, of one of the sureties
To wit : } in the annexed covenant named, make oath and say as follows :

I am seised and possessed to my own use of real (*or* real and personal) estate in Ontario of the actual value of $ over and above all charges upon, or incumbrances affecting the same.

2. *(Where the party has real estate.)* The said real estate consists of *(describing the property).*

3. I am worth *(the amount for which the party has become liable by the covenant)* $ over and above my just debts.

4. My post office address is as follows : (*insert name of post office*).

Sworn before me at , in the County of , this day of , A.D. 18 .

SCHEDULE C.

(*Section* 20.)

FORM OF REGISTRAR'S OATH OF OFFICE.

ONTARIO.

County of } I [*name and describe deponent*], having been appointed
To wit: } by the Lieutenant-Governor to the office of Registrar, in and for the [*name of Registry Division, etc.,*] do swear that I will well, truly and faithfully perform and execute all duties required of me, under the laws of this Province, pertaining to the said office, so long as I continue therein, and that I have not given directly or indirectly, nor authorized any person to give, any money gratuity or reward whatsoever for procuring the said office for me.

Sworn before us at , the day of , A.D. 18 .

A. B., J.P., }
C. D., J.P., } In and for the said County.

SCHEDULE D.

(*Section* 31.)

FORM OF CERTIFICATE RESPECTING REGISTRY BOOKS.

This Register contains pages exclusive of index, and is to be used in and for the City (*or*, Town, Incorporated Village or Township) of , in the County of , for the enregistration of deeds, duplicates, and other instruments under the provisions of *The Registry Act*, and is provided in pursuance of the requirements of the said Act.

Dated this day of , A.D. 18 .

A. B., Judge of the County Court of *or*
A. B., Warden of the County of

SCHEDULE E.

(*Section* 36.)

Form of Abstract Index.

Township of Yarmouth, Lot No. , in the 1st Concession.

1	2	3	4	5	6	7	8	9
No. of Instrument.	Instrument.	Its Date.	Date of Registry.	Grantor.	Grantee.	Quantity of Land.	Consideration in conveyance or amount of mortgage money.	Remarks.
	Patent.	21st February, 1820. ..	———————	Crown ———	John Jones ——	All of said Lot.	$300	
54.....	B. & S.	10th January, 1835....	11th January, 1835....	David Brown and wife.	George Smith —	N. ½.	$400	
72.....	B. & S.	30th May, 1830	15th May, 1838	John Jones and wife—	David Brown —	N. ½.	$500	
460.....	B. & S.	23rd June, 1840	23rd June, 1840	George Smith ———	Charles Gates —	N. ½.	$782	
461	M.	Do do	Do do	Charles Gates and wife.	George Smith —	N. ½.	$500	
490.....	B. & S.	20th October, 1841	20th October, 1841	John Jones and wife—	Charles Gates —	S. ½.	$200	
1009.....	D. M.	23rd June, 1842	1st July, 1842	George Smith ———	Charles Gates —	N. ½.		D of 461.
2560.....	B. & S.	25th April, 1855	1st May, 1856	Charles Gates and wife	Alexander Erie..	All.	$800	
2875.....	B. & S.	1st May, 1860	1st May, 1860	Alexander Erie	James Erie.....	E. ½ of the N. ½ or N. E. ¼.	$1 and nat. love and affection.	

SCHEDULE F.

(*Section* 37.)

Form of Alphabetical Index.

No. of Instrument.	Grantor.	Grantee.	No. of Instrument.	Grantee.	Grantor.
	A.			A.	
011	Abbott, George	Black, John	1029	Appleton, James	Buck, Peter.
1015	Allen, William	Cook, Edward	1039	Angus, Robert	Cooms, Joseph.
1017	Anderson, James	Smith, Thomas	1058	Anson, William	Whalks, Jane.
	B.			B.	
1004	Bernard, John	Green, Edward	1011	Black, John	Abbott, George.
1020	Burns, Robert	Cassels, George	1070	Benson, Jessie	Crooks, Nelson.
1029	Buck, Peter	Appleton, James	1098	Burrows, Joseph	Hinds, Henry
	C.			C.	
1039	Cooms, Joseph	Angus, Robert	1015	Cook, Edward	Allen, William.
1048	Coffee, Richard	Ingram, Benjamin	1020	Cassels, George	Burns, Robert.
1070	Crooks, Nelson	Benson, Jessie	1118	Castor, Simeon	Philip, Richard.

SCHEDULE G.

(*Section* 40.)

FORM OF AFFIDAVIT OF EXECUTION.

County of } I, , of
the of in the
To Wit. } County of , make oath
and say :

1. That I was personally present and did see the annexed (*or* within) (and duplicate, *if any, according to the fact*) duly signed, sealed and executed by and the parties thereto.

2. That the said (and duplicate, *if any, according to the fact*) were executed at the of

3. That I know the said parties (*or one or more of them, according to the fact*).

4. That I am a subscribing witness to the said (and duplicate, *according to the fact.*)

R. S. O. 1877, c. 111, *Sched.* E.

SCHEDULE H.

(*Section* 43.)

AFFIDAVIT OF EXECUTION.

County of } I, *A. B.*, of the , in the county
To wit : } of (*addition*), make oath and say :

(1) That I was personally present and did see tee annexed (*or within*) instrument (and duplicate, *if any, according to the fact*), duly signed, sealed and executed by and the parties thereto.

(2) That the said instrument was read over in my presence and explained to the said , and that he appeared perfectly to understand the same, and was informed that it might be registered as an incumbrance on his hands.

(3) That the said instrument (and duplicate, *if any, according to the fact*) was executed at the of .

(4) That I know the said parties (*or one or more of them according to the fact*).

(5) That I am a subscribing witness to the said (and duplicate, *according to the fact*).

Sworn, &c.

SCHEDULE I.

(*Section* 50.)

CERTIFICATE OF COUNTY JUDGE IN LIEU OF AFFIDAVIT OF EXECUTION.

ONTARIO.

County of } I,
To Wit : } Judge of the County Court of the County of , certify that, from the proof adduced by (*name the person producing the proof, and state the evidence given*) I am satisfied of the due execution of the within instrument (*or* of the instrument whereof the within is a copy, memorial *or* duplicate, *as the case may be*). As witness my hand at the day of A. D., 18 .

A. B.,
Judge of the County Court of

R. S. O. 1877, c. 111, *Sched.* F.

SCHEDULE J.

(*Section* 63.)

FORM OF CERTIFICATE OF REGISTRATION.

I certify that the within is duly entered and registered in the Registry Office for the of in Book for the of at o'clock of the day of A. D. 18 .

Number

Registrar.
or Deputy Registrar.

SCHEDULE K.

(*Section* 67.)

FORM OF MINUTE OF REGISTRATION.

Entered and Registered this day of A. D. at o'clock.

SCHEDULE L.

(*Section* 76.)

FORM OF DISCHARGE OF MORTGAGE.

To the Registrar of the County of

I, , of , do certify that has satisfied all money due on, or to grow due on (*or* has satisfied the sum of $ mentioned in), a certain mortgage made by of , to which mortgage bears date the day of A. D. 18 , and was registered in the Registry Office for the County of , on the day of , A. D. 18 , at minutes past o'clock, noon, in Liber for as No. (*here mention the day and date of registration of each assignment thereof, and the names of the parties, —or mention that such mortgage has not been assigned, as the fact may be*) and that I am the person entitled by law to receive the money, and that such mortgage, (*or* such sum of money as aforesaid, *or* such part of the lands as is herein particularly described, that is to say :) is therefore discharged.

Witness my hand this day of A.D. 18 .

A. B.

One Witness. }

R. S. O. 1887, c. 114, *Sched.* J.

SCHEDULE M.

(*Section* 80.)

FORM OF CERTIFICATE OF DISCHARGE OF MORTGAGE BY SHERIFF, ETC.

To the Registrar of the County (Division *or* City, *as the case may be*) of

I, *A. B.*, of Sheriff of the County of or Bailiff of the (*number*) Division Court of the County (*or* City, *as the case may be*) of do certify that by virtue of a writ of execution wherein *C. D*, is plaintiff and *E. F.* defendant, issued out of Her Majesty's High Court of Justice (*or as the case may be*) and to me directed, I seized a certain mortgage made by one *J. H.* of (*as described in said mortgage*) bearing date the day of A. D. 18 and registered at of the clock in the forenoon, Liber , for No. (*as the case may be*) of the day of in the same year (*as the case may be*) to E. F. of (*as described in the mortgage*) the defendant in the said writ of execution named, and such mortgage has not been assigned (*or* has been assigned to the defendant and such assignment has been registered as follows : *Here set out date and registration of assignment*) and I do further certify that I have levied from the said mortgagor, his executors, administrators or assigns (*as the case may be*) the full amount of said mortgage, (*or* $ parcel of said mortgage,) and that such mortgage is therefore discharged (*or* that such mortgage is, as to $ parcel of the moneys thereby payable, discharged).

As witness my hand and seal of office (*or* the seal of the said Court.)

This day of A.D. 18

Witness. *L. M.* } Signed, *A. B.*

SCHEDULE N.

(*Section* 82.)

CERTIFICATE OF DISCHARGE.

To the Registrar of the County of

County of . } I, of the in the county
To wit : } of (*additional*), do hereby certify that , of the of , in the county of (*additional*) , has satisfied all money due or to grow due on (*or* has satisfied the sum of $ mentioned in) a certain instrument made of to , which instrument bears date the day of , A.D., 18 , and was registered in the registry office for the county of on the day of , A.D. 18 , at minutes past o'clock, noon, in liber for , as No. (*here mention the day and date of registration of each assignment thereof, and the names of the parties, or mention that such instrument has not been assigned, as the fact may be*), and that I am the person entitled by law to receive the money, and that such instrument (*or* such sum of money as aforesaid, *or* such part of the lands as is herein particularly described, that is to say : ,) is therefore discharged.

Witness my hand this day of A.D., 18

One witness : *A. B.*

Affidavit of execution same as in discharge of mortgage.

SCHEDULE O.

(*Section* 96.)

FORM OF SURVEYOR'S CERTIFICATE OF PLAN.

I hereby certify that this plan accurately shews the manner in which the land included therein has been surveyed and subdivided by me ; and that the said plan is prepared in accordance with the provisions of *The Registry Act.*

Dated 18 *A. B.*
Provincial Land Surveyor.

SCHEDULE P.

List of Registry Divisions.

Part 1.

The undermentioned TERRITORIAL DIVISIONS, as set forth in Chapter 5 of these Revised Statutes (except as otherwise mentioned), constitute separate registry divisions :—

The Counties of—

1. Brant.
2. Bruce.
3. Carleton, excepting the City of Ottawa
4. Dufferin.
5. Dundas.
6. Elgin.
7. Essex.
8. Frontenac, excepting the City of Kingston.
9. Glengarry.
10. Grenville.
11. Haldimand.
12. Halton.
13. Hastings.
14. Huron.
15. Kent.
16. Lambton.
17. Leeds.
18. Lennox and Addington.
19. Lincoln.
20. Norfolk.
21. Ontario.
22. Oxford.
23. Peel.
24. Peterborough.
25. Prescott.
26. Prince Edward.
27. Renfrew.
28. Russell.
29. Stormont.
30. Waterloo.
31. Welland.
32. Wentworth.

The Cities of—

33. Kingston.
34. London.
35. Ottawa.

The Provisional County of—

36. Haliburton ; and

The Districts of—

37. Algoma.
38. Muskoka.
39. Nipissing.
40. Parry Sound.
41. Rainy River, and
42. Thunder Bay.

Part 2.

The undermentioned ELECTORAL DISTRICTS, as set forth in Chapter 7 of these Revised Statutes (except as otherwise mentioned), constitute separate registry divisions :—

43. Durham, East Riding.
44. Durham, West Riding.
45. Lanark, North Riding, excepting Carleton Place.
46. Lanark, South Riding, and Carleton Place.
47. Middlesex, West Riding.
48. Northumberland, East Riding.
49. Northumberland, West Riding, and the township of South Monaghan.
50. Perth, North Riding, and the township of Logan.
51. Perth, South Riding, excepting the township of Logan.
52. York, North Riding.
53. The East and North Ridings of Middlesex constitute one registry division ; and

The East and West Ridings of York and the town of Parkdale constitute one registry division.

Part 3.

The undermentioned registry divisions are constituted as hereinafter set forth :—

55. East Toronto consists of all that part of the city of Toronto lying east of Spadina Avenue and Spadina Road, continued south and north, to the boundaries of the city, and shall include the land on Spadina Avenue now occupied by Knox College, and the Island lying south of the city of Toronto.

56. West Toronto consists of all that part of the said city lying west of Spadina Avenue and Spadina Road, continued as aforesaid to the boundaries of the city.

57. The county of Simcoe consists of the townships of Adjala, Essa, Flos, West Gwillimbury, Innisfil, Matchedash, Medonte, Nottawasaga, North Orillia, South Orillia, Oro, Sunnidale, Tay, Tecumseth, Tiny, Tosorontio, and Vespra; the towns of Barrie, Collingwood, Orillia and Penetanguishene, and the incorporated villages of Alliston, Bradford, Midland, Stayner, Beeton and Tottenham.

58. The county of Victoria consists of the townships of Bexley, Carden, Dalton, Digby, Eldon, Emily, Fenelon, Laxton, Longford, Mariposa, Ops, Somerville and Verulam; the town of Lindsay, and the incorporated villages of Bobcaygeon, Fenelon Falls, Woodville and Omemee.

59. Grey, North Riding, consists of the townships of Collingwood, Derby, Euphrasia, Holland, Keppel, St. Vincent, Sarawak, Sullivan and Sydenham, and the towns of Meaford, Owen Sound and Thornbury.

60. Grey, South Riding, consists of the townships of Artemesia, Bentinck, Egremont, Glenelg, Normanby, Osprey and Proton, and the town of Durham.

61. Wellington, North Riding, consists of the townships of Arthur, Minto, Maryborough, Peel and West Luther; the towns of Harriston, Mount Forest and Palmerston, and the incorporated villages of Arthur, Clifford and Drayton.

62. Wellington, South and Centre Ridings, consists of the townships of Guelph, Eramosa, Erin, Nichol, Pilkington, West Garafraxa and Puslinch; the city of Guelph, and the incorporated villages of Elora, Fergus and Erin.

NOTE.—The townships hereinbefore mentioned include all towns and incorporated villages situated within the limits thereof respectively. R. S. O. 1877, c. 5, s. 1.

No. 135.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the Registration of Instruments relating to Lands.

First Reading, 26th April, 1893.
Second " 22nd May, 1893.
Third " 25th " 1893.

Mr. GIBSON,
(*Hamilton*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 136.] BILL. [1893.

An Act to amend The Judicature Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 84 of *The Judicature Act* is amended by striking out the words "malicious arrest, malicious prosecution and false imprisonment" where the same occur in the said section, and by inserting the word "and" between the words "conversation" and "seduction" in the 2nd line of the said section. Rev. Stat. c. 44, s. 84 amended.

No. 130.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Judicature Act.

First Reading, 27th April, 1893.

Mr. O'Connor.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 137.] **BILL.** [1893.

An Act to make further provision as to Voters' Lists in Cities.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The Supplementary Ontario Voters' Lists Act, 1893*, and is to be read as part of *The Ontario Voters' Lists Act, 1889*, subject to the provisions of this Act. 52 V. c. 3.

Enquiries by assessors.

2. It shall be the duty of every city assessor, by careful enquiry at every house within the limits for which he is assessor, to ascertain with the utmost practicable accuracy, the names of all persons over the age of 21 years residing in the house who are entitled by law to vote at an election to the Legislative Assembly for the electoral district in which such house is situated; and he shall enter their names on the assessment roll, and mark opposite to each of the names, in capitals, the letters M. F., as directed by the the 11th section of *The Manhood Suffrage Act*, (51 Vict., c. 4; *Dominion Census Act*, c. 58, s. 11; Ontario, 55 Vict. c. 3, s. 4-7*e*).

Assessor to search lists of deaths.

3. It shall also be the duty of every city assessor to search in the office of the division registrar of births, marriages and deaths, for the deaths which have occurred during the twelve months next preceding the day of the return of his assessment roll, and from the first day of January prior to the said twelve months; and if for any reason he places or retains the name of any deceased person on the assessment roll, he shall write opposite thereto the word "dead" and shall not write or retain the letters M. L. opposite such name, (R. S. O., c. 40, s. 14; 51 Vict., c. 4, s. 11; Impl. 41 and 42 Vict, c. 26. s. 11).

Oath of assessor on returning roll.

4. Every city assessor shall upon returning his roll make and subscribe in addition to the affidavit required by *The Consolidated Assessment Act, 1892*, an oath in the form set out in Form 1 in the schedule to this Act.

Duty of mayor and assessment commissioner.

5. It shall be the duty of the mayor and of the assessment commissioner, if there is an assessment commissioner, to see that the assessors duly perform the duties mentioned in the preceding two sections, as well as the other duties required of assessors under *The Manhood Suffrage Act*. 51 V. c. 4.

Clerk to make up lists on return of assessment roll.

6. (1) The clerk of every city shall immediately after the return by the assessors of the assessment rolls, and without wait-

ing for the revision and correction thereof, make out a correct alphabetical list of all persons appearing by the assessment roll to be entitled to be voters in the said city, prefixing to the name of each person his number upon the said roll as heretofore. (See 52 Vict., c. 3, s. 3 (1).

(2) For the purpose of carrying out the object of the preceding sub-section :

52 V. c. 3, s. 5, amended as respects cities.

(*a*) Section 5, of *The Ontario Voters' Lists Act, 1889*, is hereby amended as respects cities by striking out of the third line of the said fifth section, the words "final revision and correction," and by inserting the words, "return by the assessor in cities," in lieu thereof.

52 V. c. 3, s. 7, amended as respects cities.

(*b*) Section 7, of the said Act is amended as respects cities by striking out of the fourth line of the said section, the word "revised" and inserting the word "returned" in lieu thereof.

52 V. c. 3, form 2 and 3, amended as respects cities.

(*c*) The forms 2 and 3 in the schedule to the said Act are amended as respects cities by striking out the word "revised" in the fourth line of each of the said forms, and inserting the word "returned" in lieu thereof.

52 V. c. 3, form 5, amended as respects cities.

(*d*) The form 5 in the said schedule is hereby amended by striking out of the fifth line of said form the words "assessment roll" and by inserting the words "Voters List" in lieu thereof.

52 V. c. 3, form 21 and 22, amended as respects cities.

(*e*) The forms 21 and 22 in the said schedule are amended by striking out the words so far as they are applicable to cities "final revision and correction" and inserting in lieu thereof the words "assessor's return" where the same occur in each of said forms.

52 V. c. 3, sched. amended as respects cities.

(*f*) The other forms in the said schedule are hereby amended so as to read as forms to be used under the said *Voters' Lists Act* and this Act in respect to cities.

Clerk to deliver copy of list to the assessment commissioner.

(3) The clerk shall deliver a copy of the said list to the assessment commissioner, besides delivering or transmitting the copies mentioned in *The Ontario Voters' Lists Act, 1889.*

Power of assessment commissioner as to amending lists.

7. To afford an opportunity of having added to the said alphabetical list, without the necessity of a formal appeal, the names of persons who are qualified voters but whose names do not appear on the said list, and the names of persons who have become qualified to vote since the return of the roll, and of having the names struck off of any persons who have died or become disqualified as voters in the electoral district since

the return of the roll, the assessment commissioner, if there is one, shall have a limited power for the said purposes after the clerk has had his alphabetical list posted up, delivered and transmitted, such limited power being as hereinafter mentioned. 52 Vict., c. 3, s. 10.

Notice to be given before names struck off lists.

(2) No person named in the alphabetical list shall be struck off the list without notice (Form 2) to be served as heretofore in the case of an appeal to the court of revision, of an application to the assessment commissioner for the said purpose, at the time and place theretofore appointed or thereafter to be appointed, as hereinafter mentioned.

Assessment commissioner to appoint time and place for amendment of list.

(3) The assessment commissioner shall appoint a time and place in the city when and where he will attend from 10 o'clock in the forenoon until 9 of the clock in the evening for the purpose aforesaid, and the clerk shall give notice thereof in the same manner as in the case of appeals to the court of revision.

When assessment commissioner to attend and hear appeals.

(4) The time appointed shall be within fourteen days after a copy of the alphabetical list is posted up in the clerk's office; and the said assessment commissioner, shall attend at the same place and during the same hours from day to day (except Sunday and any statutory holiday), as may be necessary for the discharge of the duties by this Act imposed.

Oath of assessment commissioner before entering on his duties.

(5) The assessment commissioner, before entering on his duties under the preceding section, shall take and subscribe before the clerk of the municipality an oath in the form set out in Form 3 in the schedule of this Act.

Service of notices and evidence.

(6) The service of notices when required by this Act to be served, and the evidence to be taken in case of dispute, or reasonable doubt or otherwise, may be the same as nearly as may be as in the case of an appeal to the court of revision. (See 55 Vict., c. 48, s. 64, sub-sec. (7), (9), (13), (16) to (18).

Assessment commissioner to report.

(7) The assessment commissioner, shall immediately after the said day or days make a report to the following effect:

"I, , of the city of , assessment commissioner, of the said city appointed the day of , for considering any corrections to be made in the alphabetical list of voters; and I duly advertised the same as required by law, and I hereby certify that I am satisfied and verily believe that the following corrections should be made in the said printed alphabetical list, that is to say:

"(1) The persons named in the schedule hereto marked "A" should be added to the list as being qualified voters at elections for the Legislative Assembly.

"(2) The persons named in the schedule hereto, marked "B," should be struck off the said list,

And the assessment commissioner shall attest the said report on oath in the form set out in Form 4 in the schedule to this Act and annexed to the said report.

City clerk to make out supplementary lists on report of commissioner.

8.—(1) Immediately on receiving the said report, the city clerk shall make an alphabetical list (Form 5) (for the whole city, if the city forms part of an electoral district, or is itself an electoral district, and for each electoral district where the city is divided), with appropriate headings, showing (1) the names reported for addition to the said list of persons entitled to vote in the electoral district at elections for members of the Legislative Assembly, and (2) the names reported for being struck off the said original list. Each of the two lists shall be in parts, one for each polling sub-division of the electoral district. (See 52 Vict., c. 6, s. 3, (1), (2), (5), (6), (7), (14).

Printing and posting supplementary lists.

9. Immediately after the clerk has prepared these lists, and within ten days after receiving the report, he shall cause at least 400 copies to be printed, and shall forthwith cause one of these printed copies to be posted up, and to be kept posted, in some conspicuous place in his office, and shall deliver or transmit by registered letter or by parcel post registered, the same number of copies and to the same persons as required by law in case of the original list which he prepared after receiving the assessment roll. (52 Vict., c. 3, s. 6).

Certificate to be appended to lists.

10. Upon each of the said 400 copies shall be a printed certificate (Form 6) over the name of the clerk, that the same contains a correct list of the changes made by the report, and calling on all electors to examine the said list of changes, as well as the original alphabetical list to which the said changes refer; and to take immediate proceedings to have any errors corrected according to law. (52 Vict, c. 3, s. 7).

Notice of transmission and posting of lists.

11. The clerk shall also forthwith cause to be inserted once a week for three weeks in two of the daily newspapers of the city, a notice (Form 7) signed by him, and stating that he has delivered or transmitted the copies of the list of changes as directed by this Act and shall also mention the date of the first posting up of a copy in his office. One insertion shall be sufficient. (52 Vict., c. 3, s. 9).

Sheriffs, etc., to post up supplementary lists.

12. The sheriff, clerk of the peace, postmaster and every public or separate school head master or mistress receiving such copies, shall immediately post up a copy as required by law in the case of the original list. (52 Vict., c. 3, s. 8).

Copies of report to be furnished on payment of fees,

13. The clerk of the peace and the city clerk, respectively, shall furnish a certified printed copy of the said report to any person who may require the same, and the fees payable for such

copy shall be at the same rate per name as for a copy of the voters' list or part thereof. (54 Vict., c. 5, s. 4).

Original and supplementary lists to be subject to revision by judge.

14. The alphabetical list made by the clerk on receiving the assessor's roll, with the additions, omission and corrections set forth in the report aforesaid, shall together be deemed the list of voters which is subject to revision by the county judge under section 10 of *The Ontario Voters' Lists Act, 1889,* and the provisions of that Act which have reference to the alphabetical list therein mentioned shall apply to the original list as corrected by the list prepared under this Act.

Costs occasioned by errors or mistake.

15.—(1) In case of errors being found on the revision by the judge, and for which it appears to the judge that the assessor or other officer of the corporation was blamable, whether the errors are in the omission of names, inaccurate entry of names, or the entry of names of persons not entitled to vote, the city shall, either alone or jointly with any person, pay the costs, subject to any claim which the city may justly have against the guilty parties.

(2) In case of any such errors as aforesaid for which any such officer is blamable, the judge may order such officer, jointly with the city or any other person, to pay all or any costs occasioned by such errors or otherwise. The judge shall fix the amount of costs in each case.

(3) In all cases not herein provided for, the costs shall be in the discretion of the judge as heretofore.

This section is hereby substituted for section 29 of *The Ontario Voters' Lists Act, 1889.* 52 V. c. 3.

Removal of names of voters dying before nomination day.

16. After the voters' list has been finally revised, corrected and certified under *The Ontario Voters' Lists Act, 1889,* as varied by any of the preceding sections of this Act, and before the nomination day at any election, the judge shall have power to strike from the list the names of any persons who have died since the list was revised, corrected and certified, and for the purpose of striking off the same, the certificate or testimony of the division registrar as to deaths, shall be sufficient *prima facie* evidence of the death, with any evidence of identity which may be reasonably necessary, in case the identity of the person said to be dead, and the person of the same name on the voters' list, is disputed or open to reasonable doubt.

Procedure under sections 19 and 20.

17. (1) In case of an application to a county court judge for the purpose of the two preceding sections, or either of them, and its appearing to the judge that there is ground for some alteration in the list in either of the said particulars, he shall appoint a time and place for the purpose of considering and

making such alterations in the voters' list as may at the said time and place be shewn to him to be proper, whether the same had or had not been previously brought to his notice by the said or any application.

(2) For this purpose the proceedings shall be the same, or as nearly as may be the same, as proceedings taken for the revision of voters' lists under the said *Ontario Voters' Lists Act, 1889*, and the judge and the officers named in the said Act shall have the same jurisdiction, and shall act in respect of the proceedings under this section (as nearly as may be), as if the proceedings to revise, alter and correct had been taken under the said Act.

52 V. c. 8.

Deputy Judge not to deal with lists without special authority.

18. A deputy-judge shall have no power to deal with any matter connected with any of the lists mentioned in the Act, unless so authorized by the Lieutenant-Governor in Council

Uniting adjoining polling sub-divisions.

19. Where two adjoining subdivisions according to the voters' list have been united by the city council for the purpose of municipal elections, the returning officer at any election to the Legislative Assembly may unite the same two polling subdivisions for the purpose of the last mentioned election. (See 55 Vict. c. 42, s. 489 (1*a*)).

Use of forms.

20. In carrying into affect the provisions of this Act the Forms set forth in the Schedule hereto may be used, and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule. *See* 52 V. c. 3 s. 44.

SCHEDULE.

Form I.

(Section 4)

Addition to Oath of City Assessor on Return of Roll.

7. That I have made careful enquiry at every house or other dwelling place in the ward of the said city (*or name portion of city for which assessor acts*) in order to ascertain the names of all persons over the age of 21 years there resident, who are entitled to vote at an election to the Legislative Assembly for the electoral district of (*naming the electoral district in which the city is situate*) and have entered the names of all such persons so found to be entitled to vote on the above roll.

8. That I have made diligent search in the office of the division registrar of births, deaths and marriages, for the deaths which have occurred during the twelve months last

and from the 1st January preceding the commencement of the above roll to the date of such commencement, and to the best of my knowledge and ability have not entered on the said roll the name of every person so ascertained to have died (other than those after whose name the word "dead" is entered on the said roll, *when there are any names so entered.)*

FORM 2.

(*Section 7.*)

NOTICE OF PERSON APPEALED AGAINST BEFORE ASSESSMENT COMMISSION.

Take notice, that you are required to attend before the assessment commissioner of the city of at on the day in the matter of the following appeal:—

"Appellant.

"Subject—That you are not of the full age of twenty-one years (*or as the case may be.*)

"(Signed), *X. Y.*,
"To *J. K.* Clerk."

FORM 3.

(*Section 7.*)

OATH OF ASSESSMENT COMMISSIONER BEFORE COMMENCING TO HEAR APPEALS.

"I , do solemnly swear (*or* affirm) that I will, to to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals which may be brought before me with respect to the voters' list of the city of
So help me God. ."

R .S. O. 1887, c. 193, s 57.

FORM 4.

(*Section 7.*)

OATH OF ASSESSMENT COMMISSIONER TO BE ANNEXED TO HIS REPORT.

I, , make oath and say (*or* do solemnly affirm):—

1. That the statements contained in the annexed report made by me, dated the day of are full, true and correct in every particular.

2. That schedule "A" to the said report contains a full list of all the persons who, on appeal to me, should be added to the said list.

3. That schedule "B" to the said report contains a full list of all the persons who should, on appeal to me, be struck off the said list for the causes in the said report mentioned.

4. That I have not knowingly or willingly inserted in either of the said schedules the name of any person not proper to be named therein.

Sworn, etc. } *A. B.*,
} Assessment Commisssioner

FORM 5.

(*Section 8.*)

LIST OF PERSONS TO BE ADDED OR REMOVED FROM LIST OF VOTERS AT ELECTIONS TO SERVE IN THE LEGISLATIVE ASSEMBLY.

Voters' List, 18 , City of

POLLING SUB-DIVISION NO. 1, COMPRISING (*giving the limits*).

PART I.—Persons found by the Assessment Commissioner to be entitled to be added to the list of voters at Elections to the Legislative Assembly.

No. on Roll.	Name.	Number of House.	Street.	——	Post Office Address.
43	Acroyd, James	89	Simcoe	M. F.	
8	Amos, Joseph	102	Baldwin	M. F.	
	Etc.	Etc.	Etc.	Etc.	

PART II.—Persons found by the Assessment Commissioner to be liable to removal from the said list.

No. on Roll.	Name.	Number of House.	Street.	Cause of Removal.	Post Office Address.
	Ames, John	W ½ 2	Adelaide W.	Not of age.	
	Andrews, Peter ...	E ½ 3	Richmo'd E.	Left the Province.	
	Etc.				

POLLING SUB-DIVISION NO. 2, COMPRISING, ETC.

FORM 6.

(Section 10.)

CERTIFICATE TO BE APPENDED TO ALPHABETICAL LISTS.

I, A. B., clerk of the municipality of the city of , do hereby certify that the above lists constitute a correct list of those persons who, according to the report of the assessment commissioner for the said city of , should be added to or removed from the list of persons entitled to vote for the year 18 , for Members of the Legislative Assembly in the said city, and I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this day of

A. B.

FORM 7.

(Section 11.)

CLERK'S NOTICE OF ALPHABETICAL LIST OF AMENDMENTS MADE BY ASSESSMENT COMMISSIONER.

Voters' List, 18 .—Municipality of the of County of

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in sections 5 and 6 of *The Ontario Voters' Lists Act, 1889,* copies required by section 15 of *The Ontario Voters' Lists Act, 1893,* to be so transmitted or delivered of the lists made pursuant to said last mentioned Act, of all persons who, according to the report of the assessment commissioner for the city of , are entitled

to be added to, or should be removed from the list for the year 18 , of persons entitled to vote in the said municipality at elections for members of the Legislative Assembly; and that said lists were first posted up at my office, at , on the day of , 18 , and remain there for inspection.

Electors are called upon to examine the said lists, and if any omissions or any other errors are found thercin, to take immediate proceedings to have the said errors corrected according to law.

Dated, etc.

A. B.,
Clerk of .

No. 137.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to make further provisions as to Voters' Lists in Cities.

First Reading, 27th April 1893.

The ATTORNEY-GENERAL.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 138.] **BILL.** [1893.

An Act to amend The Public Health Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 205, s. 76, amended.

1. Section 76 of *The Public Health Act* is amended by adding thereto the following sub-section :—

Physician to affix placard to infected houses when ordered by township board.

(2) The local board of health of any township municipality may by resolution require any physician who is attending a patient suffering from any contagious disease dangerous to the public health to affix or cause to be affixed near the front entrance of the house a placard to be supplied by the local board of health and similar to that described in section 17, rule 4, schedule "A" of this Act. The placard shall be affixed within twenty-four hours of the discovery of the case, and shall be so placed that the same can be read by any person approaching the house, but the fixing of such placard shall not relieve such physician of the duty laid upon him by section 80 of this Act.

Rev. Stat. c. 205, s. 106, sub-s. 3, amended.

2. Sub-section 3 of section 106 of the said Act is amended by inserting after the words "board of health" in the second line thereof the words "or of any local board of health."

Certain regulations as to ice supply confirmed.

3. The regulations of the Provincial Board of Health respecting ice supplies, approved by order of His Honor the Lieutenant-Governor in Council and dated January 27th, 1892, as well as the regulations of the said board respecting cholera and dated 11th day of April, 1893, are hereby declared to be valid and within the meaning of *The Public Health Act.*

Provision for issue of debentures to erect isolation hospital without submitting by-law to electors.

4.—(1) And whereas owing to the danger arising from the spread of cholera, it is expedient to make special provision respecting funds for the establishment of hospitals, therefore when it is deemed necessary in the interests of the public health to establish a hospital or hospitals for the reception of persons suffering from small-pox or other disease which may be dangerous to the public health, and the local board of health of any municipality so recommend, the corporation of such municipality may, where it has not otherwise sufficient funds for the purpose, pass a by-law for raising the same by the issue of debentures, and it shall not be necessary to submit such by-law to the electors before the final passing thereof.

(2) This section shall continue in force for one year from the date of the passing thereof, and no longer.

No. 138.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Public Health Act.

First Reading, 28th April, 1893.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 138.] BILL. [1893.

An Act to amend The Public Health Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 205, s. 76, amended.

1. Section 76 of *The Public Health Act* is amended by adding thereto the following sub-section :—

Physician to affix placard to infected houses when ordered by township board.

(2) The local board of health of any township municipality may by resolution require any physician who is attending a patient suffering from any contagious disease dangerous to the public health to affix or cause to be affixed near the front entrance of the house a placard to be supplied by the local board of health and similar to that described in section 17, rule 4, schedule "A" of this Act. The placard shall be affixed within twenty-four hours of the discovery of the case, and shall be so placed that the same can be read by any person approaching the house, but the fixing of such placard shall not relieve such physician of the duty laid upon him by section 80 of this Act.

Rev. Stat. c. 205, s. 106, sub-s. 3, amended.

2. Sub-section 3 of section 106 of the said Act is amended by inserting after the words "board of health" in the second line thereof the words "or of any local board of health."

3. Section 1 of the Act intituled "*An Act to amend the Public Health Act*," being chapter 42 of the Acts passed in the 52nd year of the reign of Her Majesty, is amended by inserting after the word "Stipendiary" in the first line thereof the words "or Police."

Certain regulations as to ice supply confirmed.

4. The regulations of the Provincial Board of Health respecting ice supplies, approved by order of His Honor the Lieutenant-Governor in Council and dated January 27th, 1892, as well as the regulations of the said board respecting cholera and dated 11th day of April, 1893, are hereby declared to be valid and within the meaning of *The Public Health Act*. Rev. Stat. c. 205.

Provision for issue of debentures to erect isolation hospital without submitting by-law to electors.

5.—(1) And whereas owing to the danger arising from the spread of cholera, it is expedient to make special provision respecting funds for the establishment of hospitals, therefore when it is deemed necessary in the interests of the public health to establish a hospital or hospitals for the reception of persons suffering from *cholera*, small-pox or other disease which may be dangerous to the public health, and the local board of health

of any municipality so recommend, the corporation of such municipality may, where it has not otherwise sufficient funds for the purpose, pass a by-law for raising the same by the issue of debentures, and it shall not be necessary to submit such by-law to the electors before the final passing thereof.

(2) This section shall continue in force for one year from the date of the passing thereof, and no longer.

No. 138.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Public Health Act.

First Reading, 28th April, 1893.
Second " 4th May, 1893.

(*Reprinted as amended in Committee of the Whole House.*)

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 139.] BILL. [1893.

An Act to amend The Judicature Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 157 of *The Judicature Act* is amended by adding thereto the following sub-sections:— Rev. Stat., c. 44, s. 157, amended.

(3) In any action in which a local judge of the High Court has granted an interlocutory injunction under the next preceding sub-section, and in which all parties interested, who are under no disability, consent thereto, the local judge may hear, determine and dispose of any motion to continue, vary, dissolve or otherwise deal with the injunction, and the judgment or order of or directed by the local judge shall be signed, sealed and issued by the said deputy-registrar or deputy clerk of the Crown, and shall have the same force and effect as a judgment or order of the High Court. Powers of local judges as interlocutory injunctions.

(4) Any person affected by any such decision, judgment or order of a local judge may appeal therefrom to the High Court. The appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges to a judge of the High Court in chambers. Appeal to be to High Court.

No. 139.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Judicature Act.

First Reading, 28th April, 1893.

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 139.] BILL. [1893.

An Act to amend The Judicature Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 44, s. 157, amended.

1. Section 157 of *The Judicature Act* as amended by chapter 11 of the Acts passed in the 52nd year of Her Majesty's reign, is hereby further amended by adding thereto the following sub-sections:—

Powers of local judges as interlocutory injunctions.

(3) In any action in which a local judge of the High Court has granted an interlocutory injunction under the next preceding sub-section, and in which all parties interested consent thereto, the local judge may hear, determine and dispose of any motion to continue, vary, dissolve or otherwise deal with the injunction, including such terms and conditions as to costs and other like matters as the local judge sees fit, and the judgment or order of or directed by the local judge shall be signed, sealed and issued by the said deputy-registrar or deputy clerk of the Crown, and shall have the same force and effect as a judgment or order of the High Court.

Appeal to be to High Court.

(4) Any person affected by any such decision, judgment or order of a local judge may appeal therefrom to the High Court. The appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges to a judge of the High Court in chambers.

Rev. Stat., c. 44, s. 125, amended.

2. To remove doubts, sub-section 3 of section 125 of the said *The Judicature Act*, is amended by adding the words, "unless the offices of deputy-clerk of the Crown and deputy-registrar become and are consolidated under sub-section 5."

No. 139
3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Judicature Act.

First Reading, 28th April, 1893.
Second " 17th May, 1893.

(Reprinted as amended by Select Committee.)

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 140.] BILL. [1893.

An Act to amend the Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Municipal Waterworks Act* is amended by inserting after the word "any" the word "lake" in the seventh line thereof, and by inserting the words "or other available source or sources of supply" after the word "stream" in the eighth line thereof. Rev. Stat., c. 192, s. 4 amended.

No. 140.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Water-works Act.

First Reading, 28th April, 1893.

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 141.] BILL. [1893.

An Act to Amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 480, amended.

Section 480 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following as sub-section (6):—

Powers of municipalities as to contracting for additional water supply.

(6) The council of the corporation of any municipality which owns a system of waterworks and desires to improve its supply of water either as to quantity or quality, may, subject to the approval of the Lieutenant-Governor in Council, contract with any person or persons or body corporate for such supply of water as the nature and circumstances of the case may require, and may by by-law, specially enacted for that purpose, confer upon such person or persons or body corporate, with whom such contract shall be made, all the compulsory powers which such municipal corporation may enjoy as regards the entering upon and taking of lands and the appropriation and use of water and sources of water supply or otherwise under any special or general Act, and with the like approval and the consent of the Lieutenant-Governor in Council, the said compulsory powers may be exercised beyond the ten mile limit mentioned in section 4 of *The Municipal Waterworks Act.*

Rev. Stat., c. 192.

No. 141.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th April, 1893.

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 142.] **BILL.** [1893.

An Act respecting the enforcement of Judges' orders in matters not in Court.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Enforcing orders of judge made under special statutory authority.

1. Where jurisdiction has been or shall be given by any Act to a judge as *persona designata*, he shall be deemed to have jurisdiction therein as a judge of the court to which he belongs, and he is to have the same jurisdiction for enforcing his orders and judgments and as to proceedings generally, and as to costs and otherwise, as in matters under his ordinary jurisdiction as a judge of the court in which he is such judge, so far as a different mode is not directed by the statute giving him the jurisdiction aforesaid.

Filing orders.

2. Every order of a judge of the high court made under statutory authority as aforesaid, may be filed in any division of the high court of justice, or with a local registrar, deputy-registrar or deputy-clerk of the Crown, and every order of a county judge made under said statutory authority may be filed with the clerk of the county court of which he is a judge, and upon an order being so filed, the same shall become and be an order of the high court of justice, or of the county court, as the case may be, and may be enforced in the same manner and by the like process as if the order had been made by the said court.

Fees on filing.

3. There shall be payable at the time of filing such order the like fees as would be payable upon the issue of an order made by a judge of the high court or county court, as the case may be, in the exercise of his ordinary jurisdiction.

Entry of orders.

4. Every order so filed shall be entered in the same manner as a judgment of the court in which the order is so filed.

Costs to be in discretion of judge.

5. The costs of every proceeding before a judge of the high court or of a county court under this Act shall be in the discretion of such judge.

No appeal except when expressly authorized.

6. There shall be no appeal from the orders of the judge, unless an appeal is expressly authorized by the statute giving the jurisdiction aforesaid.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the enforcement of Judges' orders in matters not in Court.

First Reading, 28th April, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 143.] **BILL.** [1893.

Act to amend the Act respecting Assignments and Preferences by Insolvent persons

HER MAJESTY, by and with the advice and consent of the Legislature of the Province of Ontario, enacts as follows:—

1. Sec. 9 of *The Act respecting Assignments and Preferences by Insolvent Persons* is amended by adding at the end thereof the words "all such assignments shall be subject also, so far as the said assignment affects the lands or goods and chattels of the insolvent, to the taxes assessed or assessable against such lands, goods and chattels for the year in which such assignment may be made, and the assignee shall reserve a sufficient sum to pay such taxes. Rev. Stat. c. 124, s. 9, amended.

No. 143.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.

First Reading, 1st May, 1893.

Mr. WOOD.
(*Brant.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 144.] **BILL.** [1893.

An Act to amend The Liquor License Act.

HER MAJESTY, by and with the consent and advice of the Legislature of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Liquor License Act* is amended by adding thereto the following sub-section:— Rev. Stat. c. 194, s. 4, amended.

(6) No application shall be entertained by any court or judge thereof to quash any resolution for regulating and determining the matters hereinbefore mentioned.

2. Section 5 of said Act shall also be amended by adding at the end thereof, "and may provide for the enforcement of any penalty imposed in the same manner and to the same extent as provided for the breach of by-laws passed under the authority of *The Consolidated Municipal Act, 1892*." Rev. Stat. c. 194, s. 5, amended.

No. 144.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Liquor License Act.

First Reading, 1st May, 1893.

Mr. WOOD.
(*Brant.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 145.) **BILL.** [1893.

An Act to make further provision respecting the Registration of Land under the Land Titles' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Land Titles' Act, 1893.*" Short title.

2.—(1) Where land is registered under *The Land Titles' Act* subject to mortgages existing thereon at the time of the first registrations thereof, the mortgages shall be mentioned in the register of the land in the land titles' office in the same order as they are registered in the registry office if such mortgages have been so registered, or the dates of the respective registration thereof shall be stated, but this shall not be taken as an affirmation that such mortgages rank in the order in which they were registered or in the order in which they are mentioned as aforesaid. Lands subject to mortgage at time of registration.

(2) Abstracts of all instruments dealing with such mortgages shall thereafter be entered in the register of the land in the land titles' office, and the entry thereof shall be deemed the registration of the instrument, and the rights of the parties interested or claiming to be interested in any such mortgage so far as it affects land under *The Land Titles' Act*, shall, subject to sections 11 and 37 of *The Land Titles' Act* be decided under the registry law, as if the registrations in the office of land titles had been made under *The Registry Act.* Rev. Stat., c. 116. Rev. Stat, c, 115.

3. Where registered land is transferred subject to a charge, or in case the registered owner of land which is subject to a charge subsequently marries, the wife of such transferee or owner shall have the same rights in respect of dower as she would have had if the legal estate had been transferred by an ordinary mortgage and no others. Dower of wife of transferee of encumbered land.

4. Where registered land is transferred to Trustees under *The Act respecting the property of Religious Institutions*, the Trustees shall be registered as owners in the usual manner and by their corporate name without setting out the purposes or trusts on which the land is held but a note shall be made by the Master that the land is only to be transferred or charged in accordance with the provisions of the said Act. Transfers to trustees under Rev. Stat., c. 237.

Rev. Stat., c. 116, s. 24, sub-s. 1, amended.

5. The following is substituted for the paragraph numbered 1 of sub-section 1 of section 24 of *The Land Titles' Act*:— "Statutory or Municipal taxes and water rates for the current year." *Vide R.S.O. cap. 23.*

Noting the cessation of a charge on the register

6.—(1) The Master of Titles may on the requisition of the registered owner of a charge or of his personal representative or on his certificate of the satisfaction thereof, notify on the register in the prescribed manner by cancelling the original entry or otherwise the cessation of the charge and thereupon the charge shall be deemed to have ceased.

(2) On the requisition or certificate of the registered owner of a charge, or of a mortgagee whose mortgage was entered on the register on the first registration of the land or the registered assignee thereof or of the personal representative of such owner or mortgagee authorizing or certifying the discharge of any part of the land therefrom or the discharge of any part of the money thereby secured, the master may note on the register the discharge of such land from the charge or the discharge of such part of the money aforesaid. *Vide R.S.O. 116 Secs. 25 and 35. R.S.O. 114 Sec. 72.*

Registering teansferees as owners.

7.—(1) Every transfer or charge signed by a registered owner or others claiming by transfer through, or under him, purporting to transfer or charge land, or an interest therein, capable of being registered under *The Land Titles' Act*, or purporting to transfer a charge, shall, until cut out by a conflicting registration, be deemed to confer upon the person intended to take under such transfer or charge, a right to be registered as the owner of such land or charge, and where a person applies to be registered under this section, the master may either forthwith, or after requiring such notices to be given as he deems expedient, register such applicant as owner, subject to such incumbrances, if any, as the condition of the title requires, notwithstanding in any of the said cases that the transfer or charge has been executed or bears date prior to the entry of such transferor or chargor as the owner of the land or charge.

(2) Any person claiming to be entitled to land, or to an interest therein, capable of being registered as aforesaid, or to a charge as devisee, heir, executor, or administrator of a person who might have been registered under the preceding sub-section, or any person claiming through or under such devisee, heir, executor or administrator, may, if no conflicting registration has been made, apply to be registered as owner of such land or interest, and may be so registered subject to the provisions of this section.

(3) On registering the applicant, the master shall, so far as practicable, enter in the register short particulars of every instrument or other title under which the said right is con-

ferred, as if such instrument had been duly presented for registration, or application for entry of transmission had been made in the proper order of time, and may, as a preliminary step to the registration of the applicant, enter any intermediate transferee, heir, executor or administrator, as registered owner, where this method is more convenient.

(4) No application by any person claiming through or under a deceased person shall be allowed unless all the persons entitled to the whole of the estate of the deceased in the land are parties thereto. *Vide Queensland Act No. 18, of 1877, secs. 48 and 49; Manitoba Act 52 Vict., cap. 16, sec. 81; R.S.O., ch. 116, secs. 36, 57.*

Registered owner objecting to the registration of his transferee.

8.—(1) Where the registered owner of any land has executed a transfer thereof, but claims that on account of special circumstances shown by affidavit to the satisfaction of the Master, the transferee should not be registered without notice to the registered owner to that effect, the Master of Titles may permit the registrat on of a caution by the registered owner.

(2) The registration of such caution shall stay the registration of the transfer until notice has been served on the cautioner in accordance with the provisions of section 62 of *The Land Titles' Act.*

When notice of proposed registered dealings need not be given to cautioner.

9. A notice to a cautioner shall not be required under section 62 of *The Land Titles' Act*, where the dealing proposed to be registered is under the authority of a judgment or order of court in a suit or proceeding to which the cautioner is a party, or where such dealing is under a power of sale contained in a charge or mortgage which is prior to the title under which the cautioner claims, and the cautioner has been served with a notice of the proposed exercise of the power of sale, and the caution is not in respect of the exercise of the power of sale, or where the dealing is of such a nature that it cannot detrimentally affect the interest of the cautioner as claimed in the affidavit filed with his caution.

Correction, Rev. Stat., c. 24 s. 25. of errors in patents after registration.

10. Where the Commissioner of Crown Lands has authority under section 25 of *The Public Lands' Act*, to direct an incorrect patent to be cancelled and a correct one to be issued in its stead, he may, notwithstanding the land has been registered under *The Land Titles' Act*, cause a subsequent patent to be issued referring to the incorrect patent and correcting the error therein, and the Master shall upon the receipt of the subsequent patent in case no conflicting instrument has been received, amend the entry in the register to accord with the said amending patent, or in case a conflicting instrument has been received, the Master, after notifying all persons interested may make such amendment.

Rev. Stat., c. 116, s. 67, repealed.

Notice by registration.

11. Section 67 of *The Land Titles' Act* is hereby repealed and the following substituted therefor:—

67. No person other than the parties thereto shall be held to have any notice of the contents of any instrument other than those instruments mentioned in the existing register of title of the parcel of land, or which have been duly entered in the books of the office kept for instruments received or in course of entry.

Depositions taken before special examiners, may be used before Master of Titles.

12. A Master of Titles in any application made to him may act upon depositions or examinations taken before any of the special examiners appointed by the High Court, who may administer the requisite oath to any party or witness whose deposition or cross-examination the master has requested such examiner to take, and any such deposition or examination may be taken in shorthand, and any *viva voce* evidence given before the Master may be taken down by a sworn shorthand writer if the examining party so desires. *Vide R. S. O. 116, Sec. 113 (3), Rule 55. Rule 502 of Rules of Supreme Court of Judicature.*

Expenses of valuation.

13. Where a Master in order to determine the amount to be paid into Court on account of the Assurance Fund in respect of any land, deems it necessary to require the valuation of a sworn valuator, the expense of obtaining such valuation as allowed by the Master shall be paid to the Master by the registered owner, and such payment shall be made before any dealing with the land is registered. *Vide R.S.O. 116, Sec. 107 (6) and 142 (2).*

Power to appoint deputy masters.

14. The authority conferred upon the Lieutenant-Governor in Council by section 116 of *The Land Titles' Act* to appoint a person to act as the deputy of the Master shall be construed to authorize the appointment of a person who shall have authority to act from time to time as the contingency arises, and to authorize the appointment of a deputy to act for a Local Master in like manner if the Lieutenant-Governor in Council thinks fit.

No. 145.

3rd Session, 7th Legislature, 56 Vic., 1893.

BILL.

An Act to make further provision respecting the Registration of Land under the Land Titles Act.

First Reading, May 1st, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 145.) **BILL.** [1893.

An Act to make further provision respecting the Registration of Land under the Land Titles' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Land Titles' Act, 1893.*" Short title.

2.—(1) Where land is registered under *The Land Titles' Act* subject to mortgages existing thereon at the time of the first registration thereof, the mortgages shall be mentioned in the register of the land in the land titles' office in the same order as they are registered in the registry office if such mortgages have been so registered, or the dates of the respective registration thereof shall be stated, but this shall not be taken as an affirmation that such mortgages rank in the order in which they were registered or in the order in which they are mentioned as aforesaid. Lands subject to mortgage at time of registration.

(2) Abstracts of all instruments dealing with such mortgages shall thereafter be entered in the register of the land in the land titles' office, and the entry thereof shall be deemed the registration of the instrument, and the rights of the parties interested or claiming to be interested in any such mortgage so far as it affects land under *The Land Titles' Act*, shall, subject to sections 11 and 37 of *The Land Titles' Act* be decided under the registry law, as if the registrations in the office of land titles had been made under *The Registry Act*. Rev. Stat., c. 116. Rev. Stat, c, 115.

3. Where registered land is transferred subject to a charge, or in case the registered owner of land which is subject to a charge subsequently marries, the wife of such transferee or owner shall have the same rights in respect of dower as she would have had if the legal estate had been transferred by an ordinary mortgage and no others. Dower of wife of transferee of encumbered land.

4. Where registered land is transferred to Trustees under *The Act respecting the property of Religious Institutions*, the Trustees shall be registered as owners in the usual manner and by their corporate name without setting out the purposes or trusts on which the land is held but a note shall be made by the Master that the land is only to be transferred or charged in accordance with the provisions of the said Act. Transfers to trustees under Rev. Stat., c. 237.

Rev. Stat., c. 116, s. 24, sub-s. 1, amended.

5. The following is substituted for the paragraph numbered 1 of sub-section 1 of section 24 of *The Land Titles' Act* :— "Statutory or Municipal taxes and water rates for the current year."

Noting the cessation of a charge on the register

6.—(1) The Master of Titles may on the requisition of the registered owner of a charge or of his personal representative or on his certificate of the satisfaction thereof, notify on the register in the prescribed manner by cancelling the original entry or otherwise the cessation of the charge and thereupon the charge shall be deemed to have ceased.

(2) On the requisition or certificate of the registered owner of a charge, or of a mortgagee whose mortgage was entered on the register on the first registration of the land or the registered assignee thereof or of the personal representative of such owner or mortgagee authorizing or certifying the discharge of any part of the land therefrom or the discharge of any part of the money thereby secured, the master may note on the register the discharge of such land from the charge or the discharge of such part of the money aforesaid.

Registering teansferees as owners.

7.—(1) Every transfer or charge signed by a registered owner or others claiming by transfer through, or under him, purporting to transfer or charge land, or an interest therein, capable of being registered under *The Land Titles' Act*, or purporting to transfer a charge, shall, until cut out by a conflicting registration, be deemed to confer upon the person intended to take under such transfer or charge, a right to be registered as the owner of such land or charge, and where a person applies to be registered under this section, the master may either forthwith, or after requiring such notices to be given as he deems expedient, register such applicant as owner, subject to such incumbrances, if any, as the condition of the title requires, notwithstanding in any of the said cases that the transfer or charge has been executed or bears date prior to the entry of such transferor or chargor as the owner of the land or charge.

(2) Any person claiming to be entitled to land, or to an interest therein, capable of being registered as aforesaid, or to a charge as devisee, heir, executor, or administrator of a person who might have been registered under the preceding subsection, or any person claiming through or under such devisee, heir, executor or administrator, may, if no conflicting registration has been made, apply to be registered as owner of such land or interest, and may be so registered subject to the provisions of this section.

(3) On registering the applicant, the master shall, so far as practicable, enter in the register short particulars of every instrument or other title under which the said right is con-

ferred, as if such instrument had been duly presented for registration, or application for entry of transmission had been made in the proper order of time, and may, as a preliminary step to the registration of the applicant, enter any intermediate transferee, heir, executor or administrator, as registered owner, where this method is more convenient.

(4) No application by any person claiming through or under a deceased person shall be allowed unless all the persons entitled to the whole of the estate of the deceased in the land are parties thereto.

Registered owner objecting to the registration of his transferee.

8.—(1) Where the registered owner of any land has executed a transfer thereof, but claims that on account of special circumstances shown by affidavit to the satisfaction of the Master, the transferee should not be registered without notice to the registered owner to that effect, the Master of Titles may permit the registration of a caution by the registered owner.

Rev. Stat. c. 116.

(2) The registration of such caution shall stay the registration of the transfer until notice has been served on the cautioner in accordance with the provisions of section 62 of *The Land Titles' Act*.

When notice of proposed registered dealings need not be given to cautioner.

9. A notice to a cautioner shall not be required under section 62 of *The Land Titles' Act*, where the dealing proposed to be registered is under the authority of a judgment or order of court in a suit or proceeding to which the cautioner is a party, or where such dealing is under a power of sale contained in a charge or mortgage which is prior to the title under which the cautioner claims, and the cautioner has been served with a notice of the proposed exercise of the power of sale, and the caution is not in respect of the exercise of the power of sale, or where the dealing is of such a nature that it cannot detrimentally affect the interest of the cautioner as claimed in the affidavit filed with his caution.

Correction, Rev. Stat., c. 24 s. 25, of errors in patents after registration.

10. Where the Commissioner of Crown Lands has authority under section 25 of *The Public Lands' Act*, to direct an incorrect patent to be cancelled and a correct one to be issued in its stead, he may, notwithstanding the land has been registered under *The Land Titles' Act*, cause a subsequent patent to be issued referring to the incorrect patent and correcting the error therein, and the Master shall upon the receipt of the subsequent patent in case no conflicting instrument has been received, amend the entry in the register to accord with the said amending patent, or in case a conflicting instrument has been received, the Master, after notifying all persons interested may make such amendment

Rev. Stat., c. 116, s. 67, repealed.

11. Section 67 of *The Land Titles' Act* is hereby repealed and the following substituted therefor:—

Notice by registration.

67. No person other than the parties thereto shall be held to have any notice of the contents of any instrument other than those instruments mentioned in the existing register of title of the parcel of land, or which have been duly entered in the books of the office kept for instruments received or in course of entry.

Depositions taken before special examiners, may be used before Master of Titles.

12. A Master of Titles in any application made to him may act upon depositions or examinations taken before any of the special examiners appointed by the High Court, who may administer the requisite oath to any party or witness whose deposition or cross-examination the master has requested such examiner to take, and any such deposition or examination may be taken in shorthand, and any *viva voce* evidence given before the Master may be taken down by a sworn shorthand writer if the examining party so desires.

Expenses of valuation.

13. Where a Master in order to determine the amount to be paid into Court on account of the Assurance Fund in respect of any land, deems it necessary to require the valuation of a sworn valuator, the expense of obtaining such valuation as allowed by the Master shall be paid to the Master by the registered owner, and such payment shall be made before any dealing with the land is registered.

Power to appoint deputy masters.

14. The authority conferred upon the Lieutenant-Governor in Council by section 116 of *The Land Titles' Act* to appoint a person to act as the deputy of the Master shall be construed to authorize the appointment of a person who shall have authority to act from time to time as the contingency arises, and to authorize the appointment of a deputy to act for a Local Master in like manner if the Lieutenant-Governor in Council thinks fit.

52 V. c. 20, s. 6 repealed.

15. Section 6 of the Act passed in the 52nd year of Her Majesty's reign chaptered 20 is repealed and the following substituted therefor :—

Delivery of plans to municipal treasurers.

Every person who under *The Land Titles Act*, deposits with the master or local master a plan or map of any survey or sub-division of land made by such person for the purpose of selling or conveying the same in lots, or of any alteration of a previous survey or division, shall at the same time deposit with said master or local master a duplicate of such plan or map, and the master or local master shall endorse thereon a certificate showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the master or local master to the treasurer, or assessment commissioner of the local municipality in which said land is situate, upon request and without any fee being chargeable in respect thereof ; and the master

or local master of titles shall not file or register any plan or map unless and until a duplicate thereof is deposited in accordance with the provisions hereof."

16. Section 121 of *The Land Titles Act* shall apply to every local master of titles and as applied to him, the words "real estate" and "land" in such section shall mean real estate or land within the county, city or district for which he is local master of titles. Application of Rev. Stat. c. 116. s. 121, to local masters of titles.

No. 145.

3rd Session, 7th Legislature, 56 Vic., 1893.

BILL.

An Act to make further provision respecting the Registration of Land under the Land Titles Act.

First Reading, May 1st, 1893.
Second Reading, May 11th, 1893.

(Reprinted as amended by Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 146.] **BILL.** [1893.

An Act respecting the Debt of the Town of Sault Ste. Marie to Her Majesty as representing this Province.

Preamble.

WHEREAS the Sault Ste. Marie Water, Gas, and Light Company, now The Ontario and Sault Ste. Marie Water, Light and Power Company, did on the 8th day of June 1889, agree to purchase from Her Majesty all those parcels of land and land covered with water belonging to the Province of Ontario, situate lying and being between the south limit of Portage street, in the town of Sault Ste. Marie, and St. Mary's Island, bounded on the west by the east limit produced southerly of West street, and on the east by lands granted by Letters Patent to the Hudson's Bay Company and to Messrs. Laird and Henderson containing thirty-eight acres more or less ; and whereas the price of the said lands was $28,750, of which the sum of $7,187.50 has been paid, and there is now due in respect of the said lands $21,562.50 besides interest ; and whereas the corporation of the town of Sault Ste. Marie under the authority of an Act passed in the fifty-third year of Her Majesty's reign, chaptered 135 has purchased a large portion of the stock of the said company ; and whereas the said lands were sold to the corporation and the lands and stock were purchased by the corporation for the purpose of developing the water power of the said town ; and whereas it appears that in order to utilize the said water power it is necessary that the land above mentioned should be released from the lien for unpaid purchase money ; and whereas the said corporation of the said town has offered to give debentures of the town for the said sum of $21,562.50 and interest, such debentures bearing interest at five per cent. and payable in thirty years from the date of issue, and it is expedient to accept the said debentures and grant the said land free from any lien for purchase money, and to make the further provisions hereinafter contained in order to enable the object aforesaid to be accomplished ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Crown may accept debentures for purchase money of lands.

1. It shall be lawful for the Lieutenant-Governor in council to accept for the said purchase money the debentures of the said town for the sum of $21,562.50, payable at such time or times, not exceeding thirty years, as the Lieutenant-Governor in council may approve, such debentures to bear interest at 5 per cent., payable half-yearly ; and on said debentures being

delivered to the treasurer of the Province, it shall be lawful for the Lieutenant-Governor to grant the said land to the corporation of the said town free from the said lien.

By-law for issue of debentures.

2. It shall and may be lawful for the corporation of the said town to pass a by-law or by-laws providing for the issue of debentures of the said town for the said sum of $21,562.50 and interest, and it shall not be necessary to obtain the assent of the electors of the said town to such a by-law or by-laws before the final passing thereof.

Payment of debentures and interest.

3. The debentures to be issued under the preceding section shall be made payable at such time or times not exceeding thirty years from the date thereof as the said corporation may direct and the Lieutenant-Governor in Council approve, and shall be for sums not less than $100 each as the said corporation may by such by-law or by-laws direct and the Lieutenant-Governor approve, and the said debentures shall bear interest at the rate of five per cent. payable half yearly.

Special rate.

4. The by-law or by-laws authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year) sufficient to pay the interest of such debentures and to provide a sinking fund for the due payment of the principal when the same shall fall due.

Irregularities not to invalidate debentures.

5. No irregularity in form or substance either of the debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures or interest or any or either of them, or any part thereof.

Power to acquire all the stock of the Ontario and Sault Ste. Marie Water, Light and Power Co.

6. It shall be lawful for the corporation of the town of Sault Ste. Marie, to purchase and acquire all the stock held by individuals in "The Ontario and Sault Ste. Marie Water, Light, and Power Company," or any part thereof, and pay all calls which may be duly made thereon after said stock has been so purchased, and it shall and may be lawful for the council of the said corporation from time to time, or at any time, to pass a by-law or by-laws with the assent of the majority of the ratepayers entitled to vote on by-laws creating debts, providing for the issue and sale of debentures of the said corporation for such sums of money as may be required to enable the said corporation to pay for the stock so purchased and acquired, and to pay all calls which may be made thereon from time to time, after said stock has been so purchased and acquired by said town, to the full amount necessary to pay for the whole of the stock or any part thereof, and to pay all the calls made thereon after said stock has been so purchased by the said corporation from the individuals.

7. To remove doubts, it is declared that it always has been since the passing of the Act of the Legislature of the Province of Ontario, 53 Victoria, Chapter 135, and shall and may be hereafter lawful for the council of the corporation of the town of Sault Ste. Marie, from time to time, or at any time to pass a by-law or by-laws with the assent of a majority of the ratepayers entitled to vote on by-laws creating debts, providing for the issue and sale of debentures of the said corporation, to pay all calls which may be made from time to time upon all the stock subscribed for, taken, purchased or acquired in any manner whatsoever by the said corporation in the said company, to the full amount necessary to pay for the whole of the stock subscribed for, taken, purchased or acquired in any manner whatsoever, by the said corporation in said company.

Right to issue debenture for payment of calls declared.

No. 146.

3rd Session, 7th Legislature, 56 Vict, 1893.

BILL.

An Act respecting the debt of the Town of Sault Ste. Marie to Her Majesty as representing this Province.

First Reading, , 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 147.] BILL. [1893.

An Act respecting Houses of Refuge for Females.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation "House of Refuge."

1. "House of refuge" in this Act shall mean any institution for the care of young or adult females, named in schedule B. of *The Charity Aid Act*, or other similar institutions, which is subject to the inspection of the inspector of prisons and asylums. "Superintendent," shall mean the matron, superior, or other person in charge of such institution.

"Superintendent."

Committal of Females to Houses of Refuge.

2. All females sentenced to, or confined from time to time in any of the common gaols of the Province under sentence of imprisonment by a police magistrate of any city, for any offence against any Act of the Legislature of the Province, or against any by-law of any municipality in the Province, may be committed to any house of refuge situate in the county or union of counties, city or town in which such females respectively were convicted, or may be transferred, by order of such police magistrate, from such common gaol to such house of refuge, to be there respectively imprisoned for the whole or the unexpired portions of the terms of imprisonment to which such females were originally sentenced or committed respectively to such common gaols ; and such females shall thereupon be imprisoned in such houses of refuge aforesaid for the whole or the residue of their respective terms of imprisonment, and shall be subject to all the rules and regulations of such houses of refuge respectively ; provided that no Protestant female shall be committed or transferred under this Act to a Roman Catholic institution ; and no Roman Catholic shall be committed or transferred to a Protestant institution.

Application of preceding section.

3. The next preceding section shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province, as well as to persons convicted of offences under any by-laws of any of the municipalities of said Province, or of any other offence directly or indirectly created by the said Legislature, and to any case where imprisonment is imposed in whole or in part in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty, and if the fine or penalty is paid after the committal or removal of the offender to any such house of refuge, and whilst such offender is confined therein, the same

shall be paid to the superintendent of the house of refuge to defray the expense of removal and otherwise, for the use of the said house of refuge, but nothing herein contained shall affect the right of any private person to any part thereof. See R. S. O., 1887, c. 239, s. 14, p. 2568.

Transfer from houses of refuge to gaols.

4. The Police Magistrate may from time to time direct the removal of any such offender from any house of refuge to the common gaol, to which such offender had been originally sentenced, or from which she had been before removed, or to any other place of imprisonment to which the offender may be removed according to law. See R. S. O., 1877, c. 239, s. 15, p. 2569

Copy of sentence sufficient warrant.

5. Any officer to whom the magistrates' warrant in that behalf is directed may convey to the house of refuge for females named in his warrant in that behalf, any offender liable to be imprisoned therein, and deliver her to the superintendent without any further warrant than a copy of the sentence or warrant of commitment against such offender from the proper court in that behalf, certified under the hand of the gaoler to whom the same is directed. R. S. O. 1887, c. 239, s. 17, p. 2569.

Superintendent or gaoler to deliver up prisoners.

6. The superintendent or other head of the house of refuge, or the keeper of any common gaol having the custody of any offender ordered to be removed from a house of refuge to a common gaol or other place of imprisonment, or from the common gaol to a house of refuge, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the offender named therein, together with a copy certified by him or her, of the warrant of commitment of the offender, or of the copy thereof as given him or her on the reception of the offender into his or her custody. R. S. O. 1887, c. 239, s. 16, p. 2569.

Powers of officer in charge of prisoner.

7. The officer or other person employed to convey such offender to the house of refuge or back to a common gaol or any other place of imprisonment as by law provided, may secure and convey her through any county or district through which he may have to pass; and until the offender shall have been delivered to the superintendent, superior or other head of the house of refuge or the keeper of such common gaol or other place of imprisonment, the said officer or other person shall have in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the sheriff of the county in which she was convicted would himself have in conveying her from one part to another of that county. R. S. O 1887, c. 239, s. 19, p. 2569.

Officer to give or take receipt for prisoner.

8. The said officer or other person shall give a receipt to the said superintendent or gaoler for the offender, and shall thereupon, with all convenient speed, convey and deliver up the offender with the said certified copy of the warrant into the custody of the superior of the house of refuge or keeper of the gaol or other place of imprisonment mentioned in the warrant, who shall give a receipt in writing for every offender so received into his or her custody, to such officer or or other person as his or her discharge; and the offender shall be kept in custody in the house of refuge or gaol or other place of imprisonment to which she may have been so removed, until the termination of her sentence or until her pardon or release or discharge by law, unless she is in the meantime again removed under competent authority. R. S. O. 1887, c. 239, s. 20, p. 2570.

Recapture of escaped prisoner.

9. Any offender who escapes from any such house of refuge before her sentence therein has expired, may be again arrested without any warrant by any sheriff, sheriff's bailiff or constable of the county, city, town or village in which she may be found and conveyed to the house of refuge for females from which she escaped, or to the county gaol of the county from which she was first removed, and she shall there be confined in such house of refuge or gaol for the balance of the period of her sentence which remained unexpired at the time of her escape.

Prisoners not to be discharged on Sunday.

10. Whenever the time of the sentence of any prisoner removed to a house of refuge expires on a Sunday she shall be discharged on the previous Saturday unless she desires to remain until the following Monday. R. S. O. 1887, c. 239, s. 30, p. 2572.

Prisoners not to be discharged if labouring under certain diseases.

11. No prisoner shall be discharged from any house of refuge for females at the termination of her sentence, if then labouring under any contagious or infectious disease or under any acute or dangerous illness, but she shall be permitted to remain in the house of refuge until she recovers from the disease or illness, and any prisoner remaining from any such cause in the house of refuge shall be under the same discipline or control as if her sentence were still unexpired. R. S. O. 1887, c. 239, s. 31, p. 2572.

Persons not to be committed without consent of superintendent.

12. No prisoner shall be committed to any house of refuge without the consent of the superintendent, superior, or other head thereof in that behalf.

13. That the said houses of refuge shall be and shall be deemed to be houses of industry or correction, almshouses and workhouses for the purposes of the Revised Act of the Parliament of Canada, intituled *An Act respecting Offences against Public Morals and Public Conveniences.* (R. S. C., c. 157, s. 4.)

No. 147.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Houses of Refuge for Females.

First Reading, 1893.

Mr. ———

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 148.] BILL. [1893.

An Act to amend the Act to impose a Tax on Dogs and for the protection of Sheep.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of the Ontario, enacts as follows:—

1. Section 9 of *The Act to impose a Tax on Dogs and for the protection of Sheep*, is amended by inserting after the word "lamb" in the second line of said section the words "or any dog without lawful permission on any farm which he finds giving tongue, or making other noise terrifying any sheep or lamb on such farm." Rev. Stat. c. 214, s. 9, amended.

No. 148.

3rd Session, 7th Legislature, 56 Vict, 1893

BILL.

An Act to amend the Act to impose a Tax on Dogs and for the protection of Sheep.

First Reading, 2nd May, 1893.

Mr. BISHOP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 148.] BILL. [1893.

An Act to amend the Act to impose a Tax on Dogs and for the protection of Sheep.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the *Act to impose a Tax on Dogs and for the protection of Sheep*, is amended by inserting after the word "thereof" in the sixth line of said section the words following: "or by a constable, and for the purpose of carrying out the said order any constable may enter on the premises of the owner, possessor or harbourer of the dog ordered to be destroyed."

2. Section 9 of the said Act as amended by section 6 of an Act to amend the said Act passed in the 53rd year of Her Majesty's reign, chaptered 62, is hereby repealed and the following substituted therefor:—

9. Any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb, or any dog without lawful permission in any enclosed field on any farm which the owner or occupant thereof or his servant finds giving tongue and terrifying any sheep or lamb on such farm, or any dog which any person finds straying between sunset and sunrise on any farm whereon sheep are kept. Provided always that no dog so straying and which belongs to or is kept or harboured by the occupant of any premises next adjoining the said farm or next adjoining that part of any highway or lane which abuts on said farm, nor any dog so straying either when securely muzzled or when accompanied by or being within reasonable call or control of any person owning or possessing or having the charge or care of said dog, shall be so killed unless there is reasonable apprehension that such dog if not killed is likely to pursue, worry, wound or terrify sheep or lambs then on the said farm.

No. 148.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act to impose a Tax on Dogs and for the protection of Sheep.

First Reading, 2nd May, 1893.
Second " 10th " 1893.

(Reprinted as amended by Municipal Committee.)

Mr. BISHOP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 149.] BILL. [1893.

An Act to amend the Railway Laws of Ontario and to provide for the due qualification of Railway Engineers and Conductors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Ontario Train Service Act.*

Interpretation "Train."

2. In this Act, unless the context otherwise requires, the expression "train" shall mean and include any railway locomotives operated by steam and any railway car or cars, used for the purpose of traffic or the general operation of any railway in this Province;

"Railway."

The expression "railway" shall mean and include any railway in operation as common carriers;

"Engineer."

The expression "engineer" shall mean any person having charge of and operating any steam locomotive, used in the traffic or operation of any such line of railway;

"Conductor."

The expression "conductor" shall mean any person having charge of any train upon any line of railway, as aforesaid, who gives signals or other motions for the stoppage of such car or train upon any such line of railway, while the same are in motion at a greater speed than four miles per hour.

Appointment of board of examiners.

3. After the passing of this Act the Lieutenant-Governor in Council may from time to time divide this Province into two or more districts and for each district appoint a board or boards of examiners, each consisting of three skilled persons, who have served not less than ten years as either an engineer or conductor, or at least five years as a divisional superintendent, whose duty it shall be to examine and test the ability and knowledge of all applicants desiring to obtain a certificate for service, as engineer or conductor on any locomotive, car or train, and to perform such duties as are required of persons acting in the capacity for which such person desires a certificate.

Fees of examiners—regulations.

4. The said board of examiners shall be entitled to receive from an engineer or conductor the sum of $3 for each certificate granted. The boards of examiners shall sit at such place and on such dates as shall be named, and shall be subject

to such regulations as may be made by the Lieutenant-Governor in Council in that behalf.

Oath of examiner.

5. Every such examiner, before entering upon his duties as such, shall take and subscribe an oath, before a justice of the peace, well, faithfully and impartially to execute the duties assigned to him by this Act, in the form or to the effect following:—

I, , will act as examiner of train men to the best of my ability and knowledge, and will conduct the examinations without fear, favour or affection, and recommend for certificates such persons only who have proved their fitness to discharge the duties of locomotive engineer, conductor or brakesman.

Oath to be forwarded to commissioner of public works.

(2) The oath taken by every examiner shall be forwarded forthwith by such justice of the peace to the Commissioner of Public Works.

District boards of train service inspectors.

6. The board of each district shall be called the Board of Train Service Inspection, and the Lieutenant-Governor in Council shall name one of the members of each board to be chairman thereof. Any one of the members with the chairman shall form a quorum; the chairman shall have the right to vote, and in case of an equal division he shall also have a casting vote.

Minutes of board.

7. The minutes of the proceedings of the board shall be kept by such chairman, and a copy thereof certified by him shall, after every meeting of the board, be transmitted to the Commissioner of Public Works.

By-laws and regulations of board.

8. The board may pass by-laws and regulations for governing its sittings, and for fixing the necessary steps to be taken by applicants for certificates and all matters affecting and regulating the application and examination of candidates, and such rules and regulations shall not come into force until after they are approved by the Lieutenant-Governor in Council.

Term of certificates.

9. Every such certificate, unless sooner revoked, shall be good for one year from the date thereof, or such longer period, not exceeding three years, as may be specified in such certificate.

Granting certificates pending meeting of board.

10. If the board of inspection is not sitting, and any person desires to obtain a certificate, the chairman of the board may, upon being satisfied that the applicant is a fit and proper person to receive such certificate, upon receiving the regular fees, grant a certificate, to be in force only until the next meeting of the board, and the fee paid shall not be returned if the

said board does not grant the certificate applied for, but if the said board so grant, the applicant shall not be required to pay a further fee for the certificate.

Employment of uncertificated persons prohibited.

11. No person or corporation shall employ any person as locomotive engineer or train conductor, and no person shall serve as locomotive engineer or train conductor on any locomotive, car or train from any point within this Province to another point within the Province, unless such person employed, or serving as such locomotive engineer, conductor or brakesman holds a certificate under the provisions of this Act, and every person or corporation who offends against this section shall incur a penalty of $20 for every such offence; Provided, however, that if a train is *en route*, and for any cause it is deprived of the services of any certificated locomotive engineer, or conductor, any person may be temporarily employed to fulfil the duties of such engineer or conductor until the train shall have reached its destination.

Penalty.

Appeals from board to Commissioner of Public Works.

12. Any person who feels himself aggrieved by the act of any board of examiners or chairman thereof, may, within two weeks thereafter, appeal therefrom to the Commissioner of Public Works, who may grant such certificate or give such other relief as he may under the circumstances of the case think proper.

Persons operating train may be required to produce certificates.

13. Any person or company operating any such car or train may be required by an order of any magistrate or judge to cause the engineer or conductor to produce his certificate, and if such certificate is not so produced within a reasonable time after such demand the said person or company, and the engineer or conductor so offending shall be subject to a penalty of not less than $20 each for each offence.

Penalty for misconduct of examiner.

14. Any examiner who wilfully, or through any culpable neglect of duty, issues any false certificate or statement under this Act shall incur a penalty of $200.

Recovery of penalties.

Rev. Stat. c. 74.

15. All penalties incurred under this Act may be recovered with costs in a summary manner under *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.*

Annual report of chairman of board.

16. The chairman of every board of examiners shall, on the 31st day of December in each year, report to the Commissioner of Public Works the proceedings of the board, and make a return of all certificates granted by such board.

Application of Act.

17. This Act shall apply to all trains on any line of railway operating from one point to another within the Province.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Railway Laws of Ontario and to provide for the due qualification of Railway Engineers and Conductors.

First Reading, 2nd May, 1893.

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 150.] **BILL.** [1893.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 293, of *The Consolidated Municipal Act, 1892*, is amended by inserting the words ' or neighbouring," after the word " adjoining " in the fourth line thereof. 55 V. c. 42, s. 2931, sub-s. 2 amended.

2. Section 329 of the said Act is amended by inserting the words " or neighbouring " after the word " adjoining " in the eighth line thereof. 55 V. c. 42, s. 329, amended.

3. Section 373 is amended by adding the following as sub-section 4 of said section. 55 V. c. 42, s. 373, amended.

(4) In the event of the council of any municipality neglecting in any year to levy the amount required to be raised annually, under this or any other Act to provide a sinking fund for the payment of the debenture debt of the municipality, every member of the council shall be personally liable to a penalty of $200, to be recovered in any court of competent jurisdiction by any person who may sue therefor, and in addition thereto shall be disqualified from holding any municipal office for the period of two years, but no member of the council shall be liable to the penalties hereby imposed, who shows to the satisfaction of the court or judge that he did everything in his power to procure the levying of the rate for the said sinking fund. Liability of members of council neglecting to levy for sinking fund.

4. Section 413, of the said Act is repealed, and the following substituted therefor:— 55 V. c. 42, s. 413, repealed.

413. The council of any municipality may by by-law authorize its head, or some other member with the treasurer thereof, to borrow from any person or bank such sums as the council may deem necessary to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council by such by-law shall define the notes, cheques or other vouchers to be given therefor; provided always that the person or bank lending such amount shall not be bound to establish the necessity for borrowing the same. Borrowing sums for current expenditure.

5. Sub-section 3 of section 535 of the said Act is amended by inserting the words " form or " after the word " ponds " in the seventh line thereof. 55 V. c. 42, s. 535, sub-s. 3 amended.

No. 150.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 2nd May, 1893.

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 151.] BILL. [1863.

An Act for the relief of Loan Companies Incorporated out of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Companies licensed under Rev. Stat. c. 168, empowered to hold real estate.

1. Any company obtaining a license under the Revised *Act to authorize Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein*, may hold absolutely real estate for the purpose of or in connection with the place or places of business of the Company, not exceeding in the whole the annual value of $10,000. R. S. O., c. 168; ch. 169, s. 64.

No. 151.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act for the relief of Loan Companies Incorporated out of Ontario.

First Reading, 2nd May, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 152.] BILL. [1893.

An Act respecting Polling Places in the Electoral District of Algoma West.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 56, of *The Ontario Election Act, 1892*, is hereby amended by inserting at the end thereof, "Schreiber," "Nipigon," "Silver Creek," "Whitefish," "Rossport," "Leeblain," "Savanne" and "Ignace." 55 V. c. 3, s. 56, sub-s. 1, amended.

2. The said sub-section is further amended by striking out the words "Silver Islet," occurring therein. 55 V. c. 3, s. 56, sub-s. 1, amended.

No. 152.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Polling Places in the Electoral District of Algoma West.

First Reading, 2nd May, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 153]. **BILL.** [1893.

An Act as to costs in Appeals on Prosecutions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 14 of the Act passed in the fifty-second year of Her Majesty's reign and intituled *An Act respecting Appeals on Prosecutions to Enforce Penalties and Punish Offences under Provincial Acts* is hereby repealed and the following is substituted therefor:— 52 V. c. 15, s. 14, repealed.

14. The defendant shall in no event be ordered to pay any costs on any appeals brought by the Attorney-General for Canada or by the Attorney-General for Ontario under this Act. Defendant not to be ordered to pay costs.

No. 153.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act as to costs in Appeals on Prosecutions.

First Reading, 2nd May, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 154.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 495, sub-s. 12, amended.

1. Sub-section 2 of section 495 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following: " but no such by-law shall apply to or affect a bailiff offering for sale goods or chattels seized as a distress for rent; and such bailiff shall not require any license to entitle him to sell such distrained goods or chattels by public auction to satisfy such rent and the cost of seizure and sale."

55 V. c. 42, s. 496, sub-s. 12, repealed.

2. Sub-section 12 of section 496 of *The Consolidated Municipal Act of 1892* is repealed and the following substituted therefor:—" 12. For providing medals or rewards for persons "who distinguish themselves at fires ; and for granting bonuses or gratuities to the members of a fire brigade who may be injured at fires or who may have become incapacitated for service on account of injury or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties and to grant pecuniary aid or other assistance to the widows and orphans of persons who may be killed by accidents at fires."

Rewards, etc., for persons distinguishing themselves at fires.

55 V. c. 42, s. 612, amended.

3. Section 612 of *The Consolidated Municipal Act of 1892* is amended by adding thereto the following sub-sections :—

Paving streets as local improvement.

7. If the contemplated work or improvement is the paving of any street with natural or artificial stone, or the laying of asphalt pavement for the construction of a road-way of a permanent character, the council of any city may provide for one-third of the whole cost thereof, and also the cost of that part of every such work or improvement which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment, and such council may provide for such cost out of the general rates or taxes for the year or by the issue of debentures and subject to such by-laws as the council may pass in that behalf.

Assessment of elector not required.

8. The by-law or by-laws of the said council authorizing the issue of debentures for the cost of the city's share of such work shall not require to be submitted to or have the assent of the electors of the said city before the final passing thereof.

No. 154.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to amend The Municipal Act.

First Reading, 2nd May, 1893.

Mr. ROBILLARD.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 155.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 38 repealed.

1. Section 38 of *The Consolidated Municipal Act, 1892*, is repealed, and the following substituted therefor:—

Separation of united counties.

38. (1) Where the census returns, taken under a statute, or under the authority of a by-law of the council of any united counties, shew that the junior county of the union contains 17,000 inhabitants or more, then if a majority of a meeting of the reeves and deputy-reeves of such county and the representatives appointed as hereinafter provided of any town in the county separated therefrom for municipal purposes, do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if, in the month of February in the following year, a majority of the reeves, deputy-reeves and representatives aforesaid transmit to the Lieutenant-Governor in council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the junior county such as to call for a separate establishment of courts and other county institutions, he may, by proclamation setting forth those facts constitute the reeves and deputy-reeves in that county and the said representatives of any separated town a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. R. S. O. c. 184, s. 38.

Appointment by proclamation of provisional council in junior county.

First meeting thereof.

County town.

Representation of separated towns in provisional council.

(2) The council of any town situated in the said junior county but separated therefrom for municipal purposes, may from time to time, at a meeting duly called for that purpose elect from among the members of the said council, as many representatives for the purposes in this section mentioned, as the said town would be entitled to if not separated from the county for municipal purposes, and the persons so elected shall until the final dissolution of the union by proclamation as hereinafter provided, be members of the provisional council in the same manner and to the same extent as the reeves and deputy-reeves in the junior county.

55 V. c. 42, s. 48, sub-s. 1, amended.

2. Sub-section 1 of section 48 of the said Act is amended by inserting therein after the word "county," in the third line thereof the words, "except the members of the provisional council elected by the council of any town separated from the county for municipal purposes."

No. 155.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 3rd May, 1893.

Mr. CAMPBELL.
(*Durham.*)

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 156.] **BILL.** [1893

An Act to enable the Electors of the Province to pronounce upon the desirability of prohibiting the Importation, Manufacture and Sale as a Beverage of Intoxicating Liquors.

Preamble.

WHEREAS it is desirable that opportunity should be afforded to the electors of this Province to express a formal opinion as to whether or not the importation, manufacture and sale into or within this Province of intoxicating liquors as a beverage should be immediately prohibited; and whereas such opinion can most conveniently be ascertained by ballot in the manner hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Prohibition Plebiscite Act.*"

Question to be submitted at time for holding municipal elections.

2. Upon the day fixed by law for holding polls for the annual election of members of municipal councils, in the month of January, 1894, the clerk of every municipality other than a county, shall submit to the vote of the electors hereinafter declared qualified to vote on the same, the question whether or not the said electors are in favour of the prohibition by the competent authority, of the importation, manufacture and sale as a beverage of intoxicating liquors into or within the Province of Ontario.

Application of 55 V. c. 42, *also* elections.

3. The provisions of *The Consolidated Municipal Act, 1892*, with respect to municipal elections, shall, save where otherwise provided by this Act, apply (*mutatis mutandis*) to the voting on the said question.

Who to be qualified to vote.

4. The persons qualified to vote on the said question, shall be all persons who are at the said date entered on the last voters' list for the municipality, certified by the county judge under the provisions of *The Ontario Voters' Lists Act, 1889*, as qualified to vote at the elections to serve in the Legislative Assembly, and unmarried women and widows whose names appear on the voters' list as qualified to vote at the election of municipal councillors.

Voters to vote once only.

5. No person shall vote more than once on the said question.

Voting, when and where to take place.

6. The voting on the said question shall take place at the time and places at which a poll is held for the purpose of electing municipal councillors and the persons who act as deputy-returning officers and poll clerks at such election shall act as deputy-returning officers and poll clerks respectively at the voting upon the said question. Should the members of the council of any local municipality be elected by acclamation, or should it not be intended for any reason to take the vote of the electors in any such local municipality, the clerk shall nevertheless duly appoint deputy-returning officers and supply all proper lists of voters and poll books and ballots and ballot boxes and perform all necessary acts for the taking the vote on the said question, and the said deputy-returning officer and the poll clerks and all other officers of said municipality shall act in all respects as fully for the purpose of receiving the votes of the electors upon said question as though members of the council were being voted for.

When no election held.

Clerks to procure ballot papers.

7. The clerk of every municipality other than a county shall before the date fixed for taking the vote, cause to be printed at the expense of the municipality a sufficient number of ballot papers for the purposes of this Act, and shall forward the same to the persons appointed to act as deputy-returning officers at the said election and voting.

Form of ballot papers.

8. The ballot papers shall be in the form provided in Schedule "A" to this Act, and those required for male voters shall be printed on yellow paper, and those required for female voters shall be printed on blue paper.

Municipalities not divided into polling sub-divisions.

9. In the case of municipalities which are not divided into wards or polling sub-divisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, voters' lists and poll book; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling sub-division.

Notice of polling.

10. The clerk shall cause notice of time and places at which the polling shall take place, to be published in the same manner, and as far as possible in the same form, as in the case of notice of polling at a municipal election.

Notice of summing up.

11. The clerk shall, in said notice, fix a time when, and a place where he will sum up the number of votes given upon the said question in the affirmative and negative, respectively.

Clerk to appoint agents.

12. The clerk of the municipality shall attend at his office on the second Monday in December, 1893, at the hour of twelve o'clock noon for the appointment of persons to attend at the various polling places, and at the final summing up of

the votes by the clerk on behalf of the persons advocating the affirmative and negative of said question respectively.

Mode of appointment.

13. The clerk shall appoint, from among the applicants for such appointment, or on behalf of applicants, for each municipality, ward or polling sub-division in the said district in writing signed by them, two persons, who may be members of some recognized temperance organization, on behalf of the persons interested in and desirous of obtaining the affirmative answer to the said question, and a like number of agents on behalf of the persons interested in and desirous of obtaining a negative answer of the said question, to attend at each polling place and at the summing up of the votes by the clerk.

Declaration be made by agents.

14. Before any person is so appointed, he shall make and subscribe, before the clerk, a declaration in the form in Schedule "B" to this Act, that he is interested in, and desirous of obtaining an affirmative or negative answer, as the case may be, to the said question.

Agents to produce written authority to be present.

15. Every person so appointed, before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the deputy-returning officer, or clerk of the municipality, as the case may be, his written appointment.

Appointment in absence of agent.

16. In case no person was appointed as aforesaid or in the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector entitled to vote on the said question or any elector who is in the same interest as the person so absent, may, upon making and subscribing, before the deputy-returning officer at the polling place, or the clerk of the municipality, a declaration in the form of Schedule "B" to this Act, be admitted to the polling place to act for the person so absent.

List of voters.

17.—(1) The clerk of the municipality shall, at least two weeks before the poll is opened, procure from the clerk of the peace the proper lists of persons entitled to vote at elections to serve in the Legislative Assembly under *The Ontario Election Act, 1892*, and shall, before the poll is opened, forward the same in addition to the list of voters appearing on the voters' list to be entitled, under *The Consolidated Municipal Act, 1892*, to vote in that ward or polling subdivision, at municipal elections, to the deputy returning officer, and the clerk shall attest the said lists by his solemn declaration in writing under his hand.

(2) In case from any cause no municipal election is being held, the lists to be so forwarded shall include only persons qualified to vote at elections to the Legislative Assembly as afore-

said, and unmarried women and widows appearing on the voters' list to be entitled to vote at municipal elections.

Directions to voters.

18. The directions to voters to be furnished by the clerk shall be in the form provided in Schedule "C" to this Act.

Deputy returning officers, etc., may vote where employed.

19. Deputy-returning officers, poll clerks, and agents, may vote on the said question at the places where they are employed, in the same manner, and under the same conditions, as at municipal elections.

Poll book.

20. In the poll book to be provided for use at each polling place, at municipal elections, the clerk shall add a column, headed "prohibition," and entry shall be made therein against the names of persons voting on the said question, in addition to the other entries required by law to be made at municipal elections.

Oaths.

21. The oaths to be administered to male persons offering to vote on the said question shall be according to the form set forth in schedule "D" hereto, and the oath to be administered to unmarried women and widows voting on the said question shall be according to the form set forth in schedule "E."

Statement of result by deputy-returning officer.

22. Immediately after the close of the poll in every polling place the deputy-returning officer shall, in the presence of the persons authorized to be present, count the votes given "yes" and "no" on the said question, and shall make up into separate packets sealed with his own seal and the seals of such of the persons authorized to be present as desire to affix their seals, and marked upon the outside with a sworn statement of the contents of such packet, the date, the name of the deputy-returning officer and of the ward or polling sub-division and municipality :—

(*a*) A statement shewing,—

(1) The votes given "yes" on the said question, by male voters.

(2) The votes given "yes" by female voters.

(3) The votes given "no" by male voters.

(4) The votes given "no" by female voters.

(*b*) The used ballot papers which have not been objected to and have been counted.

(*c*) The ballot papers which have been objected to but which have been counted.

(*d*) The rejected ballot papers.

(*e*) The spoiled ballot papers.

(*f*) The unused ballot papers.

(*g*) The voters' list with the certificate of the deputy-returning officer thereto attached, setting forth (1) the number of male voters who were entitled to vote on the said question, (2) the number of female voters entitled to vote, (3) the total number of male voters who have voted, and (4) the total number of female voters who have voted, and a declaration in the form set out in Schedule "F" to this Act, that the said list was used in the manner prescribed by law, and that the entries therein were correctly made;

And shall forthwith deliver the said packets to the clerk of the municipality.

Deputy returning officer to give certificate of result.

23. Every deputy-returning officer upon being requested so to to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at the polling place "yes" and "no" to the said question, and of the number of rejected ballot papers.

Summing up by clerk.

24. The clerk of every municipality shall sum up the votes given, "yes" and "no" respectively, upon the said question, and shall declare the result in the manner provided with respect to municipal elections, and shall, in the case of a township, village or town not separated from the county for municipal purposes, within two weeks thereafter transmit to the clerk of the county in which the municipality is situate by registered letter over his hand and the seal of the corporation, a declaration showing—

(*a*) Name of the municipality;

(*b*) The number of votes given "yes," by male voters on the said question.

(*c*) The number of votes given "yes," by female voters.

(*d*) The number of votes given "no," by male voters.

(*e*) The number of votes given "no," by female voters.

(*f*) The number of male voters appearing upon the voters' lists as entitled to vote on the said question.

(*g*) The number of female voters appearing to be so entitled.

(*h*) The number of spoiled or rejected ballots;

Returns to clerk of Legislative Assembly.

25. The clerk of every county, city or separated town shall within three weeks after the day fixed for polling, transmit by registered letter to the clerk of the Legislative Assembly at Toronto, a declaration under his hand and the seal of the corporation showing—

(*a*) The name of the municipality.

(*b*) The total number of votes given by male voters, in the said county, city or town voting "yes" on the said question.

(*c*) The total number of votes given "yes" by female voters.

(*d*) The total number of votes given "no" by male voters.

(*e*) The total number of votes given "no" by female voters.

(*f*) The total number of male voters entitled to vote on the said question in the said county, city or separated town.

(*g*) The total number of female voters so entitled to vote.

And the clerk of the Legislative Assembly shall, within two months after the voting, cause a proclamation of the result to be made in the *Ontario Gazette*.

Expenses of polling.

26. The reasonable expenses incurred by the clerk of the municipality and by the other officers and clerks in municipalities, for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets and returns required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the clerk of the municipality by the treasurer of the municipality, and shall be distributed by the clerk of the municipality to the several persons entitled thereto. Provided that where a municipal election is being held the ballot boxes procured and used for the purposes of such election shall be used for receiving the votes upon the said question.

Act not to apply to unorganized territory.

27. This Act shall not apply to those portions of the Province in which there is no municipal organization.

Penalty for non-performance of certain duties.

28. Any clerk of a county or clerk or officer in a local municipality who shall refuse or neglect to perform the duties prescribed by this Act in the manner hereinbefore provided, or who shall be guilty of any wilful malfeasance therein, shall be liable, on conviction thereof, in addition to any penalty imposed by the sections of *The Consolidated Municipal Act, 1892*, relating to municipal elections, to a fine of $200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1893*, respecting the recovery and enforcement of penalties, shall apply to the penalties imposed by this section.

SCHEDULE "A."

(*Section 8*).

FORM OF BALLOT PAPER FOR MALE VOTERS.

NOTE.—This form of Ballot is to be printed on yellow paper.

Are you in favour of the immediate prohibition by law, of the importation, manufacture and sale of intoxicating liquors as a beverage. For male voters only.
YES
NO

FORM OF BALLOT PAPER FOR FEMALE VOTERS.

NOTE.—This form of Ballot is to be printed on blue paper.

Are you in favour of the immediate prohibition by law, of the importation, manufacture and sale of intoxicating liquors as a beverage. For female voters only.
YES
NO

SCHEDULE "B."

(*Section 14.*)

OATH OF AGENT.

I, the undersigned, *A. B.*, solemnly declare that I am desirous of obtaining an affirmative (*or* negative, *as the case may be*) answer to the question whether the electors of this Province are in favor of immediately prohibiting by law the importation, manufacture and sale as a beverage of intoxicating liquors, to be submitted to the electors of the municipality of

(*Signature*) *A. B.*

Made and declared before me this day of A.D. 18 .

O. D.,

R. S. O. c. 184, *Sched.* K.

SCHEDULE "C."

(*Section 18.*)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus **X**) on the right hand side, in the upper space if he desires to vote "yes" on the question, and in the lower space if he desires to vote "no" on the question.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy-Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy-Returning Officer (*or* Returning Officer *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy-Returning Officer (*or* Returning Officer *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the box any other paper than the one given to him by the Deputy-Returning Officer, (*or* Returning Officer, *as the case may be*), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Electors in voting yes on this question will be considered as expressing an opinion in favour of prohibition to the extent to which the Legislature of this Province or the Parliament of Canada has jurisdiction as may be determined by the court of final resort.

In the following form of Ballot Paper for male voters, given for illustration, the Elector has marked his ballot paper in favour of an affirmative answer to the question.



Are you in favour of the immediate prohibition by law, of the importation, manufacture and sale of intoxicating liquors as a beverage.

For male voters only.

YES	**X**
NO	

SCHEDULE "D."

(Section 21.)

FORM OF OATH FOR MALE VOTERS.

(1) You swear (1) That you are the person named, or intended to be named, by the name of in the list of voters now shown to you in the poll book.

(2) That you are a British subject by birth or naturalization.

(3) That you have resided within this Province for nine months before the (2) day of , being the day fixed by statute or by-law authorized by statute for beginning to make the assessment roll in which you were entitled to be entered as a person qualified to vote.

(4) That you were at the date aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered; that you have resided in this electoral district continuously from the said date (3), and that you are now actually residing and domiciled therein.

[[or] (3) That you have resided within this Province for twelve months, before the (2) day of , being the day up to which complaint could be made to the County Judge under *The Voters' Lists Act* to insert the name of any person in the list.

(4) That you were at the time aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered; that you have resided in this electoral district continuously from the said date (3), and that you are now actually residing and domiciled therein.]

(5) That you are entitled to vote at this election and in this municipality.

(6) That you are of the full age of 21 years.

(7) That you have not voted before at this election, either at this or any other polling place.

(8) That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

(9) And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

Note.—(1) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(2) The date to be inserted is at the choice of the elector to be either the date fixed by law for the assessor to begin to make the assessment roll or the last day for making a complaint to the county judge under section 13 of *The Voters' Lists Act.*

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following "except occasionally or temporarily, in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in any institution of learning in the Dominion of Canada, naming the institution.*)"

(SCHEDULE "E.")

(*Section 21.*)

Form of Oath for Female Voters.

You swear (*or* solemnly affirm) that your are the person named, or purporting to be named, in the list, (*or* supplementary list) of voters now shown to you (*showing the list to the voter*);

That you are unmarried (*or* a widow, *as the case may be*);

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, entitled to be entered on the said list;

That you are a householder or tenant within this Municipality;

That you have been a resident within this Municipality for one month next before this election;

That you are a natural-born (*or* naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before on this question, either at this or any other polling place;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender on this question;

That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote on this question, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting on this question;

So help you God.

(*In the case of a new Municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.*) R.S.O. c. 184, s. 103.

SCHEDULE "F."

(*Section 22.*)

Oath of Deputy Returning Officer after the Closing of the Poll.

I, *C. D.*, the undersigned Deputy Returning Officer for polling sub-division No. , of the City (*or as the case may be*) of , in the County of , do solemnly swear (*or if he is a person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling sub-division No. of the said City (*or as the case may be*) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(*Signed*) *C. D.*,
Deputy Returning Officer.

Sworn (*or* affirmed) before me at , this day of , A.D. 18

(*Signed*) *X. Y.*,
Justice of the Peace.

No. 156.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to enable the Electors of the Province to pronounce upon the desirability of prohibiting the Importation, Manufacture and Sale as a Beverage of Intoxicating Liquors.

First Reading, 3rd May, 1893.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 157] BILL. [1892.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1893* is amended by inserting therein the following as section 490*a*. 55 V. c. 42 amended.

490*a*. Notwithstanding anything mentioned in the last preceding section, the council of every township shall have power, subject to such rules and regulations as to the payment of such fee as they may enact and prescribe, to grant permits to any ratepayer of the municipality to allow his horse, cattle, sheep or swine to pasture on the allowance for highways within their respective municipalities. Allowing cattle to pasture on th highways.

No. 157.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 3rd May, 1893.

Mr. McKay.
(Oxford.)

TORONTO.

Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 158.] BILL. [1893.

An Act respecting the erection of the new Provincial Lunatic Asylum at Brockville.

Preamble.

WHEREAS the lapsing of the ordinary appropriations for current yearly expenditures in connection with the construction of the buildings for the new Provincial Lunatic Asylum, now in course of erection near the town of Brockville, may likely occasion delay in the completion of said buildings; and whereas it is desirable and expedient to prevent, so far as possible any such delay:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

$300,000 appropriated from con. rev. fund for Brockville Asylum.

1. That a sum not exceeding $300,000 be appropriated and set apart from and out of the surplus moneys forming a part of the consolidated revenue fund of this Province, for the purpose of completing the construction of the said Asylum buildings, and the necessary appurtenances therefor.

No. 158.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting the erection of the new Provincial Lunatic Asylum at Brockville.

First Reading, 3rd May, 1893.

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 159.] BILL. [1893.

An Act relating to the erection of the new Provincial Buildings.

Preamble.

WHEREAS by the Act passed in the 43rd year of Her Majesty's reign, chaptered 2, as last amended by chapter 4 of the Acts passed in the 54th year of Her Majesty's reign, a sum of $1,250,000 was appropriated for the purpose of erecting new buildings for the Provincial Legislature and the several departments of the public services; and whereas out of the moneys so set apart; there has been paid to the Toronto University a sum of $30,000 for what was known as the old hospital premises, and there has also been paid in respect of certain competitive and other plans prepared and obtained prior to those selected, for and used in the erection of, said buildings, a further sum of $17,876, making a total of $47,876 so paid out of said moneys; and whereas it is necessary that the whole of the said sum of $1,250,000 should be made available for payment of expenditures incurred in the actual construction of said buildings, and to that end it is expedient to replace said $47,876 so paid as aforesaid; and whereas it is estimated that, in addition to said $1,250,000 so heretofore appropriated, a further sum of $15,000 will be required for the construction of said new buildings;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

$47,876 appropriated to replace moneys paid for old hospital site and plans.

1. That in order to allow of the whole of the said $1,250,000, mentioned in the preamble to this Act, being made available for the construction of the new buildings for the Provincial Legislature and the departments of public service, there be appropriated and set apart from and out of the moneys forming part of the consolidated revenue fund of this Province, a sum of $47,876 to replace the amount paid as mentioned in said preamble, in respect of the said old hospital premises and the said competitive and other plans.

$15,000 appropriated to complete buildings.

2. That there be also appropriated and set apart from and out of the moneys forming part of said consolidated revenue fund a further sum $15,000 for the construction of the said new buildings, so as to make the whole of the moneys, so appropriated and set apart by the said Acts and this Act for the construction of said buildings, amount in all to a total sum of $1,265,000; the said sum of $1,265,000 being in addition to, and exclusive of the moneys otherwise appropriated and expended for the equipment, fitting up and furnishing of said buildings, and the laying out and ornamentation of the grounds, and the making of roadways and pavements, and other like matters in connection therewith.

No. 159.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act relating to the erection of the new Provincial Buildings.

First Reading, 3rd May, 1893.

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 160.] BILL. [1893.

An Act to amend the Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 173 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section. 54 v., c. 55, s. 173, amended.

(2*a*) In case the trustees of any rural public school section by a unanimous vote at a meeting of the said trustees duly called for that purpose, so declare, the first term shall end on the 3rd Friday in July, and the second term shall begin on the 3rd Monday of August.

No. 160.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Public Schools Act.

First Reading, 3rd May, 1893.

Mr. O'CONNOR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 161.] **BILL.** [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 504 of *The Consolidated Municipal Act, 1892*, is amended by adding after sub-section 10 thereof the following as sub-section 10*a*. 55 V. c. 42, s. 504 amended.

10*a*. For the granting of any lease or leases to any person, firm or corporation of any part or parts not immediately required of landed property so acquired. Leasing property acquired for industrial farms, etc.

2. Where a municipal corporation advances money by way of charity or relief to a person who, although in destitute circumstances is the owner of or interested in any land the retention whereof is necessary for a dwelling for the person receiving such relief, it shall be lawful for such corporation to take a conveyance of or security on such land to cover the amount of such charity or relief, and on the death of the person in receipt of such charity or relief, or the surrender of said land by such person to the corporation, the corporation may sell or dispose of said land and apply the proceeds in payment of the amount so expended in charity or relief with interest thereon at six per cent. per annum, together with the costs of realizing on said land. The balance of such proceeds, if any, shall go to the next of kin or devisee of such person. Power to take security grants made to individuals for charitable purposes.

3. For the removal of doubts it is hereby declared and enacted that the municipal council of every city, town and incorporated village has had and shall have power to pass by-laws upon such terms and conditions as may have been or may be thought expedient, granting from time to time to any telephone company the exclusive right within the municipality, for a period not exceeding ten years at any one time, to use streets and lanes in the municipality for the purpose of placing in, upon, over or under the same, poles, ducts and wires for the purpose of carrying on a telephone business, and on behalf of the municipal corporation to enter into agreements with any such company not to give to any other company or person for such period any license or permission to use such streets or lanes for any such purpose. Powers of municipalities as to telephone companies.

4. Nothing in the preceding section contained or done by virtue thereof shall limit or prejudiciously affect the existing rights of any telephone company with respect to the use of streets or lanes for the purposes aforesaid. Rights of existing companies not affected

5. All such by-laws heretofore passed and all such agreements heretofore made are hereby declared valid and binding. By-laws heretofore passed, confirmed.

No. 161.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th May, 1893.

(Private Bill.)

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 162.] **BILL.** [1893.

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat., c. 220, sec. 4, amended.

1. Section 4 of *The Ditches and Watercourses Act* is hereby amended by adding thereto the following sub-section :—

Repairing and removing obstructions from ditches or drains not constructed under The Ditches and Watercourses Act.

(10) Where any ditch or drain, whether covered or open, which has not been constructed under the provisions of this Act or of *The Ditches and Water Courses Act* as in force prior to 1883, becomes obstructed and requires repairing and the respective owners interested therein are unable to agree as to the removal of the obstruction or the repairing required to be done, any one of the owners interested may take proceedings for the removal of the obstruction or the repairing of the ditch or drain as the case may be, in the same manner as is provided for taking proceedings for the original construction of any ditch or drain under the provisions of this Act.

No. 162.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Ditches and Water-courses Act.

First Reading, 5th May, 1893.

Mr. WATERS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 163.] BILL. [1893.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 Vict., c. 48, sec. 7, sub-sec. 7 repealed.

1. Sub-section 7 of section 7 of *The Consolidated Assessment Act, 1892*, is repealed and the following substituted therefor :—

Exemption of municipal property.

7. The property belonging to any municipality, whether situated within the municipality or in another municipality, except when occupied by any person as tenant or lessee or otherwise than as a servant of the municipality to which it belongs for the purposes thereof.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Assessment Act.

First Reading, 5th May, 1893.

Mr. MACKENZIE
(*Lambton W*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 164.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 16 of section 489 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following words: "and for seizing and impounding dogs running at large contrary to the by-laws, and for selling the dogs so impounded or any of them at such time or times and in such manner as may be directed by any by-law in that behalf." 55 V. c. 42, s. 489, sub-s. 16, amended.

No. 164.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th May, 1893.

Mr. WOOD.
(*Hastings.*)

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 165.] **BILL.** [1893

An Act to Amend and Consolidate the Laws for the Protection of Game and Fur-bearing Animals.

HER MAJESTY, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Game Protection Act, 1893.*

2.—(1) No deer, elk, moose, reindeer or caribou shall be hunted, taken or killed between the fifteenth day of November and the twenty-fifth day of October of the following year; but the period hereinbefore limited shall not, as to moose, elk, reindeer or caribou, apply before or until the twenty-fifth day of October, 1895, and no moose, elk, reindeer or caribou shall be hunted, taken or killed before the twenty-fifth day of October 1895.

(2) No owner of any hound or other dog, known by the owner to be accustomed to pursue deer, shall permit any such hound or other dog to run at large in any locality where deer are usually found, during the period from the fifteenth day of November to the twenty-fifth day of October of the following year. Any person harboring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer between the fifteenth day of November and the twenty-fifth day of October following may be killed on sight by any person, and the person killing such hound or dog shall not be liable to any penalty or damages therefor.

(3) No one person shall during any one year or season kill or take more in all than two deer, elk, moose, reindeer or caribou. But this shall not apply in the case of deer which are the private property of any person, and which have been killed or taken by such person or by his direction, or with his consent, in or upon his own lands or premises.

(4) Hunting or killlng deer by what is known as "crusting," or while they are "yarding," is hereby declared unlawful.

(5) No common carrier, or other person, shall transport or have in possession for that purpose, in this Province, after the same has been killed, any wild deer or the raw skin thereof, or any vension, save only from the twenty-fifth day of October to the twenty-second day of November in each year, unless accompanied by an affidavit that the same was hunted and taken during the open season. 55 Vict., c. 58, s. 1.

3.—(1) It shall be unlawful for any person to catch, kill or destroy, or to pursue with such intent, any grouse, pheasants, prairie fowl or partridge, woodcock, snipe, rail, plover, or any other water fowl or other game-bird or animal (including black and grey squirrels, and hares) not herein otherwise provided for, at any time between the fifteenth day of December and the fifteenth day of September in the following year.

(*b*) Or any quail or wild turkeys between the fifteenth day of December and the fifteenth day of October of the following year.

(*c*) Or any swans or geese at any time between the first day of May and the fifteenth day of the following month of September.

(*d*) Or ducks of all kinds at any time between the fifteenth day of December and the first day of the following month of September.

(2) Notwithstanding anything in this section contained, no wild turkeys shall be hunted, taken or killed at any time before the fifteenth day of October, 1897, and no prairie fowl or English or Mongolian pheasants before the fifteenth day of September, 1897.

(3) No person shall catch, kill or take more than 300 ducks during any one season.

(4) Notwithstanding anything in this section contained, any person may at any time hunt, take or kill rabbits, including that species of hares commonly known in this Province as the cotton-tail rabbit.

4.—(1) None of the contrivances for taking or killing the wild fowl known as swans, geese or ducks, which are described or known as batteries, swivel guns or sunken punts, shall be used at any time, and no wild fowl known as ducks or other water-fowl shall be hunted, taken or killed from sail boats or steam yachts. R.S.O., 1887, c. 221, s. 5.

(2) No person shall kill or shoot at any bird or wild fowl between half an hour after sunset and half an hour before sunrise. R.S.O., 1887, c. 221, s. 5; 55 Vict., c. 58, s. 4.

(3) No eggs of any of the birds above mentioned shall be taken, destroyed or had in possession by any person at any time. R.S.O., 1887, c. 221, s. 3.

(4) No person shall have in his possession any of the said hereinbefore mentioned animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected; provided that they may be exposed for sale for five days, and no longer, after such periods, and may be had in possession for the pri-

vate use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing shall be on the person so in possession. R.S.O., 1887, c. 221, s. 2; 55 Vict., c. 58, s. 5.

(5) No person shall by himself, his servant, clerk or agent, expose or keep for sale, or directly or in directly, upon any pretence, or device, sell or barter, or in consideration of the purchase of any other property, give to any other person any snipe, woodcock or partridge, no matter where killed or procured, before the fifteenth day of September, 1894, or any quail or wild turkey before the fifteenth day of October, 1894. 55 Vict., c. 58, s. 6.

5. It shall not be lawful for any person to kill or take any animal protected by this Act by the use of poison, or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may usually have access to the same. R. S. O. 1887, c. 221, s. 11.

6. No person shall at any time, hunt, take, or kill any deer, elk, moose, reindeer or caribou, partridge, quail, woodcock, snipe, ducks of all kinds and all other game-birds and animals for the purpose of exporting the same or export the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, partridge, quail, woodcock, snipe, ducks of all kinds and all other game birds and animals as aforesaid, so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same, or in whose possession or custody the same may be found. This shall not apply in the case of deer which are the private property of any person and which have been killed or taken by such person or by his direction, or with his consent in or upon his own lands or premises; but the onus of proof of private ownership shall rest on the person exporting. R. S. O. 1887, c. 221, s. 12; 53 V. c. 70, s. 1; 55 V. c. 58, s. 2, (4). (*See* Duties of Customs Act, 1890).

7. None of the said hereinbefore mentioned animals or birds shall be trapped or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps nets, snares, gins, baited lines or contrivances be set for them or any of them at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without such person thereby incurring any liability therefor, if he shall find them so set. R. S. O. 1887, c. 221, s. 4.

8.—(1) No beaver, sable, marten or otter shall be hunted taken or killed or had in possession of any person between the first day of April and the first day of November; nor

shall any traps, snares, gins or other contrivances be set for them during such period; and no muskrat shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins, or other contrivances be set for them during such period; and no muskrat shall be shot during the month of April; nor shall any muskrat house be cut, speared, broken or destroyed at any time; and any such traps, snares, gins, or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor, provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. R. S. O. 1887, c. 221, s. 6; 55 V. c. 58, s. 3.

(2) Provided, however, no beaver or otter shall be hunted, taken or killed before the first day of November, 1897. 55 V. c, 58, s. 2, (2).

9. No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into such growing or standing grain without permission of the owner or occupant thereof, and no person shall, at any time, hunt or shoot upon any enclosed land of another after being notified not to hunt or shoot thereon, and any person who shall, without the right to do so, hunt or shoot upon any enclosed land of another after having been notified not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act; but nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass. The possession of guns, decoys, or other implements of shooting or hunting, shall be presumptive evidence that the purpose of the trespass was shooting or hunting. Any owner or occupant of land may give the notice provided for in this section by maintaining two sign boards, at least one foot square, containing such notice, upon at least every forty acres of the premises sought to be protected, on or near the borders thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by giving personal, written, or verbal notice, and such notice firstly herein provided for may be in the form following:—"Hunting or shooting on these lands forbidden under Ontario Game Laws."

Provided that any person who shall, without authority in that behalf, put up, or cause to be put up, any such notice on any lands of which he is not the owner, or the possession of which he is not legally entitled to, or who shall tear down, remove, injure, deface or interfere with any such notice, shall be deemed guilty of a violation of this Act. 55 V. c. 58, s. 7.

(2) For the purposes of this section, land, the boundary or any part of the boundary of which is a water line or line

between land and water, or passes through a marsh or swamp, or any land covered with water, shall be deemed to be enclosed if posts are put up and maintained on the boundary thereof or on the boundary of the part thereof sought to be enclosed, at distances which will permit of each of the posts being clearly visible from the nearest post on either side thereof.

10. In order to encourage persons who have heretofo e put, bred or imported or hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that it shall not be lawful for any person knowing it to be such game to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has heretofore or shall hereafter be so put bred or imported wherever such game may be found. R. S. O. 1887, c. 221, s. 10.

11.—(1) The board heretofore constituted and known as the Board of Fish and Game Commissioners of the Province of Ontario is hereby continued and shall be composed of five members who shall be appointed by the Lieutenant Governor-in council, and who save as to three of those first appointed shall hold office for the term of three years each, and who, except the secretary, who may be a member of said board, shall serve without compensation either direct or indirect other than actual disbursements or than as hereinafter provided. One of the said commissioners shall retire at the end of one year, two at the end of two years, and two at the end of three years from their first appointment, the order of retirement being decided between themselves by lot. Commissioners may from time to time at the expiration of their terms of office, be reappointed for further terms of three years.

(2) The Lieutenant-Governor in council shall from time to time as vacancies on the said board occur, whether by expiration of term, resignation or any other cause, make appointments to fill such vacancies and shall appoint the president and secretary of the said board.

(3) The said board shall meet at least once and not oftener than three times each year, and shall make rules and regulations subject to the approval of the Lieutenant-Governor in council for the guidance of game and fish wardens and deputy-wardens. 55 V., c. 58, s. 9.

12.—(1) The Lieutenant-Governor in council upon the recommendation of the said board may appoint a chief game and fish warden who shall act as secretary and business agent of the said board, and may also appoint other game and fish wardens not exceeding four in number, whose duties shall be prescribed by rules and regulations in that behalf. The compensation of the secretary and the said chief warden and other wardens, and such allowance to the Chairman of the Board of

Fish and Game Commissioners as may be reasonable shall be fixed by the Lieutenant-Governor in council, and shall be paid out of the license fees and fines collected under the provisions of this Act and such other moneys as may be appropriated for the purposes of this Act by the Legislative Assembly of the Province, and said board shall have the power to appoint, or may authorize the chief game warden to appoint at any time, deputy-wardens in any part of the Province for such period of time as they in their discretion may determine and to dismiss such deputy-wardens in the discretion of the said board. 55 V., c. 58, s. 10.

(2) The chief game and fish warden, and the other game and fish wardens appointed under the provisions of this section, having taken the oath of office hereinafter prescribed shall be ex-officio justices of the peace for all the purposes of this Act, and of any regulations made under the authority thereof.

(3) The said chief warden and other wardens shall before acting as justices of the peace under this Act take and subscribe the following oath :

I, *A.B.*, the chief game and fish warden or one of the wardens (*as the case may be*) appointed under the provisions of *The Ontario Game Protection Act*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of of such chief game and fish warden, or game and fish warden (*as the case may be*), according to the true intent and meaning of *The Ontario Game Protection Act* and of all regulations made or to be made thereunder. So help me God. *See* Ontario Fisheries Act, sec. 11.)

13. It shall be the duty of the said board to give all necessary directions and to take all reasonable measures for securing the enforcement of the laws for the protection of game and for giving effect to the provisions of laws for the preservation, propagation and protection of the fish of the Province ; to collect, classify and preserve all such statistics, data and information as they may think will tend to promote the objects of such laws ; to conduct all the necessary correspondence ; to take charge of and keep all reports, books, papers, documents or specimens which they may collect in the discharge of their duties under this Act ; and to prepare an annual report to the Lieutenant-Governor on or before the 31st day of December of each year, showing what has been done by them during the year and the manner in which their duties have been performed, with such recommendations for the Legislative action, if any, as the said board may deem calculated to better promote the preservation of fish and game, and increase the more useful food fishes within the Province and to lessen the cost of the same. 55 V., c. 58, s. 11.

14.—(1) No person not a resident and domiciled in the Province of Ontario or Quebec shall be entitled to hunt, take, kill, wound or destroy any moose, elk, reindeer, caribou or other deer, otter, sable, beaver, or any other game animal or bird referred to in this Act, or any other bird or animal, whether protected by this Act or not, without having first obtained a license in that behalf; every such license shall be signed by the chief fish and game warden and countersigned by the provincial secretary or his deputy and shall be in force for one season only, and shall be subject to the provisions of the game laws in force in the Province at the time the said license was granted; the fee to be paid therefor shall be $25 and shall be payable to the provincial treasurer to be applied to the expenses incurred in carrying out the provisions of the game laws. Such license shall not be valid unless the signature of the person to whom it is issued is endorsed thereon.

(2) Every such person shall, on request by any person whomsoever within the Province, at all reasonable times, and as often as reasonably requested, produce and show to the person making the request, such license; and if he shall fail or refuse to do so, he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding, or destroying any such animal or bird, and on proof of the facts mentioned in the first sub-section hereof, and upon proof of such request and failure or of refusal, be deemed to have violated the provisions of this section.

(3) The provincial secretary, any member of the board of fish and game commissioners, or the chief fish and game warden may grant a permit to a guest of a resident of the Province free of charge for a term not exceeding one week. 51 V., c. 36, s. 3; 55 V., c. 58, s. 8.

15.—(1) It shall be the duty of every deputy-warden forthwith to seize all birds, animals, or portion of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace to answer for such illegal possession. R. S. O., 1887, c. 221, s. 15.

(2) It shall also be the duty of every deputy-warden to institute proceedings against all persons found infringing the provisions of this Act or any of them, and every deputy-warden may cause to be opened, or may himself open in case of refusal, anybag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season or peltries out of season are hidden.

(3) Every deputy-warden, if he has reason to suspect and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other building, shall make a deposition in the form "A" annexed to this Act before a justice of the peace and

demand a search warrant to search such store, private house, shed, or other building and thereupon such justice of the peace may issue a search warrant according to form "B." R. S. O., 1887, c. 221, s. 15.

(4) No person charged with an offence under this Act shall be compelled to attend before a magistrate at a greater distance from his place of residence or the place where the offence was committed than ten miles, should there be a magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto.

16.—(1) Any officer authorized under the provisions of this Act to enforce the fish and game laws, may, without process, arrest any violator of said laws for an offence committed in his presence; and he shall with reasonable diligence cause him to be taken before any justice of the peace for a warrant and trial either in the county where the offence was committed or in the county in which the violator was arrested, and jurisdiction in all cases under this Act is hereby granted to all justices of the peace, magistrates, stipendiary magistrates, and all other courts, to be exercised in the same way and manner as if the offence had been committed in their respective counties. Any officer who shall maliciously, or without probable cause, abuse his power in such proceedings shall be guilty of an offence under this Act.

(2) Sheriffs, deputy-sheriffs, provincial police or constables, county constables, police officers, wood rangers, crown lands agents, timber agents, fire wardens, and fishery inspectors or overseers, are vested with all the powers of deputy-wardens and authorized to enforce any of the provisions of this Act, and shall receive for their service the same fees.

(3) Officers authorized to enforce the game laws, and all other persons, may recover the penalties for the violation thereof in an action on the case in their own name or by complaint or indictment in the name of the province, and such prosecution may be commenced in any county in which the offender may be found or in which the offence was committed. 55 V., c. 58, s. 16.

17. Any of the wardens appointed under the provisions of this Act, or any magistrate, may, upon his own view, convict for any offence against the provisions of this Act. 55 V., c. 58, s. 14.

18. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness

or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 51 V., c. 36, s. 3 (19).

19. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county and district where the penalty was incurred, or the offence was committed, or wrong done, or in the county where the violator shall live or be found, and in cities, towns, and incorporated villages in which there is a police magistrate; before such police magistrate and save where otherwise provided by this section the procedure shall be governed by the Act Respecting Summary Convictions Before Justices of the Peace and Appeals to General Sessions. 51 V., c. 36, s. 3 (21).

20. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:—

(1) The information shall be laid within three months after the commission of the offence.

(2) The description of an offence in the words of this Act or in any similar words, shall be sufficient in law;

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant. 55 V., c. 58, s. 17.

(4) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. 51 V., c. 36, s. 3 (20).

21.—(1) Any person offending against any of the provisions of sections 1 and 14 of this Act shall be liable for each offence to a fine not exceeding $50 and not less than $20, together with the costs of prosecution, and any person offending against any other of the provisions of this Act shall be liable for each offence to a fine not exceeding $25, nor less than $5, together with the costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county where such conviction shall take place for a period not exceeding three months,

(2) The justice or justices shall, in any such conviction, adjudge that the defendant be imprisoned unless the penalty, and also the costs and charges of prosecution and commitment, and of conveying the defendant to prison are sooner paid.

(3) The amount of the costs and charges of the commitment and conveying of the defendant to prison, are to be ascertained and stated in the warrant of commitment. 55 V., c. 58, s. 13.

(4) Each and every violation of any of the provisions of this Act, shall be a separate offence, though more than one violation of the same kind, or of a different kind, shall take place upon the same day, and upon the trial of any prosecution under this Act, the justice or justices before whom the same may be tried, shall, if it appears that more than one offence of the same kind was committed on the same day, impose all the penalties in one conviction which he or they are hereby empowered to do.

22. All guns, nets, decoys and ammunition found in the possession of violators of the law shall be confiscated and sold by public auction and the proceeds thereof applied for the purposes of this Act, and in all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice. *See* R. S. O. 1887, c. 221, s. 9.

23. One-half of every fine collected under the provisions of this Act shall be paid to the prosecutor or person on whose evidence a conviction is made, and the other half shall be paid to the treasurer of the Province to be applied in carrying out the provisions of this Act; but the wardens appointed under this Act shall not be entitled to any portion of fines in cases where they may act as prosecutors. 55 V., c. 58, s. 15

24. No person shall, on the Lord's day, hunt game animals, or birds, or take, kill, or destroy, any game animals or birds, or use any gun or other engine for that purpose. 55 V., c. 58, s. 5.

25. Any person being masked or disguised who carries or has in his possession a gun or any fire arm, at or near any preserve or shooting ground, shall be guilty of an offence against this Act.

26. Section 6 of chapeer 222, R. S. O., *An Act for the Protection of Insectivorous and other Birds beneficial to Agriculture*, is hereby amended by striking out the words, " the commissioners of agriculture and all persons authorized

by him to that effect," at the commencement of the said section and inserting in lieu thereof the words " the chief game warden for the time being under *The Ontario Game Protection Act, 1893.*"

27.—(1) The provisions of this Act shall not apply to Indians or to settlers in the unorganized districts of this Province, with regard to any game killed for their own immediate use for food only and for the reasonable necessities of the person killing the same, and his family and not for the purposes of sale or traffic. And nothing herein contained shall be construed to affect any rights specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting-grounds or in any territory specially set apart for the purpose; nor shall anything in this Act contained apply to Indians hunting in any portion of the Provincial territory as to which their claims have not been surrendered or extinguished. 55 V., c. 58, s. 12.

(2) The Lieutenant-Governor in council may, from time to time, by order in council in that behalf, exempt Indians or settlers or persons in the habit of dealing with Indians or actual *bona fide* settlers in the northern and north-westerly portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in the said Order in Council. All such orders in council shall be published in, or in connection with, the annual report of the fish and game commissioners.

28. The Acts of the Legislature of Ontario, chapter 221, Revised Statutes, Chapter 36 of the Statutes of 1888, Chapter 70 of the Statutes of 1890, and Chapter 58 of the Statutes of 1892, and all laws inconsistent with the provisions of this Act are hereby repealed.

FORM A.

(Section 14.)

I, undersigned
do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc. (as the case may be), are at present held and concealed (describe the property, occupant, etc., and the place).

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches (describe here the property, etc., as above).

Sworn before me at this day of A.D. 18
L. B.
J. P.

X. Y.

FORM B.

(Section 15.)

Province of Ontario,
County of

To each and every, the constables of , county of .

Whereas,
has this day declared, under oath, before me, the undersigned, that he has reason to suspect that (game or birds killed or taken during the close season, etc., as the case may be) are at present held and concealed (describe property, occupant, place, etc.).

Therefore, you are commanded by these presents, in the name of Her Majesty, to assist the said , and to diligently help him to make the necessary searches to find the (state the birds or game killed or taken during the close season, or furs out of season, etc.) which he has reason to suspect, and does suspect, to be held and concealed in (describe the property, etc., as above), and to deliver, if need there be, the said birds, etc. (as the case may be), to the said to be by him brought before me, or before any other magistrate, to be dealt with, according to law.

Given under my hand and seal at , county of this day of A.D. 18 .
L. S.

L. B.
J. B.

No. 165.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend and consolidate the Laws for the protection of Game and Fur-bearing Animals.

First Reading, 5th May, 1893.

Mr. GIBSON,
(*Hamilton.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 165.] **BILL.** [1893

An Act to Amend and Consolidate the Laws for the Protection of Game and Fur-bearing Animals.

HER MAJESTY, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Game Protection Act, 1893.* Short title.

2.—(1) No deer, elk, moose, reindeer or caribou shall be hunted, taken or killed between the fifteenth day of November and the *twentieth* day of October of the following year; but the period hereinbefore limited shall not, as to moose, elk, reindeer or caribou, apply before or until the *twentieth* day of October, 1895, and no moose, elk, reindeer or caribou shall be hunted, taken or killed before the twenty-fifth day of October 1895. Hunting deer, elk, moose, reindeer or caribou.

(2) No owner of any hound or other dog, known by the owner to be accustomed to pursue deer, shall permit any such hound or other dog to run at large in any locality where deer are usually found, during the period from the fifteenth day of November to the *twentieth* day of October of the following year. Any person harboring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer between the fifteenth day of November and the *twentieth* day of October following may be killed on sight by any person, and the person killing such hound or dog shall not be liable to any penalty or damages therefor.

(3) No one person shall during any one year or season kill or take more in all than two deer, elk, moose, reindeer or caribou. But this shall not apply in the case of deer which are the private property of any person, and which have been killed or taken by such person or by his direction, or with his consent, in or upon his own lands or premises.

(4) Hunting or killlng deer by what is known as "crusting," or while they are "yarding," is hereby declared unlawful.

(5) No common carrier, or other person, shall transport or have in possession for that purpose, in this Province, after the same has been killed, any wild deer or the raw skin thereof, or any vension, save only from the twenty-fifth day of October to the twenty-second day of November in each year, unless accompanied by an affidavit that the same was hunted and taken during the open season. 55 Vict., c. 58, s. 1.

3.—(1) It shall be unlawful for any person to catch, kill or destroy, or to pursue with such intent, any grouse, pheasants, prairie fowl or partridge, woodcock, snipe, rail, plover, or any other water fowl or other game-bird or animal (including black and grey squirrels, and hares) not herein otherwise provided for, at any time between the fifteenth day of December and the fifteenth day of September in the following year.

(*b*) Or any quail or wild turkeys between the fifteenth day of December and the fifteenth day of October of the following year.

(*c*) Or any swans or geese at any time between the first day of May and the fifteenth day of the following month of September.

(*d*) Or ducks of all kinds at any time between the fifteenth day of December and the first day of the following month of September.

(2) Notwithstanding anything in this section contained, no wild turkeys shall be hunted, taken or killed at any time before the fifteenth day of October, 1897, and no prairie fowl or English or Mongolian pheasants before the fifteenth day of September, 1897.

(3) No person shall catch, kill or take more than *400* ducks during any one season.

(4) Notwithstanding anything in this section contained, any person may at any time hunt, take or kill that species of hares commonly known in this Province as the cotton-tail rabbit, or any species of rabbits.

(5) The possession of guns, decoys or other implements of shooting or hunting at a time and in places where the game birds or animals above named are usually found shall be *prima facie* evidence of pursuit thereof with intent to catch, kill or destroy the same.

4.—(1) None of the contrivances for taking or killing the wild fowl known as swans, geese or ducks, which are described or known as batteries, swivel guns or sunken punts, shall be used at any time, and no wild fowl known as ducks or other water-fowl shall be hunted, taken or killed from sail boats or steam yachts. R.S.O., 1887, c. 221, s. 5.

(2) No person shall kill or shoot at any bird or wild fowl *protected by this Act*, between half an hour after sunset and half an hour before sunrise. R.S.O., 1887, c. 221, s. 5; 55 Vict., c. 58, s. 4.

(3) No eggs of any of the birds above mentioned shall be taken, destroyed or had in possession by any person at any time. R.S.O., 1887, c. 221, s. 3.

(4) No person shall have in his possession any of the said hereinbefore mentioned animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected; provided that they may be exposed for sale for five days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing shall be on the person so in possession. R.S.O., 1887, c. 221, s. 2; 55 Vict., c. 58, s. 5.

(5) No person shall by himself, his servant, clerk or agent, expose or keep for sale, or directly or in directly, upon any pretence, or device, sell or barter, or in consideration of the purchase of any other property, give to any other person any snipe, woodcock or partridge, no matter where killed or procured, before the fifteenth day of September, 1894, or any quail or wild turkey before the fifteenth day of October, 1894. 55 Vict., c. 58, s. 6.

5. It shall not be lawful for any person to kill or take any animal protected by this Act by the use of poison, or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may usually have access to the same. R. S. O. 1887, c. 221, s. 11.

6. No person shall at any time, hunt, take, or kill any deer, elk, moose, reindeer or caribou, partridge, quail, woodcock, snipe, ducks of all kinds and *any* other game-bird *or* animal for the purpose of exporting the same or export the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, partridge, quail, woodcock, snipe, ducks of all kinds and *any* other game bird *or* animal as aforesaid, so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same, or in whose possession or custody the same may be found. This shall not apply in the case of deer which are the private property of any person, and which have been killed or taken by such person or by his direction, or with his consent in or upon his own lands or premises; but the onus of proof of private ownership shall rest on the person exporting. R. S. O. 1887, c. 221, s. 12; 53 V. c. 70, s. 1; 55 V. c. 58, s. 2, (4). (*See* Duties of Customs Act, 1890).

7. None of the said hereinbefore mentioned animals or birds shall be trapped or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps nets, snares, gins, baited lines or contrivances be set for them or any of them at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person

without such person thereby incurring any liability therefor, if he shall find them so set. R. S. O. 1887, c. 221, s. 4.

8.—(1) No beaver, sable, marten or otter shall be hunted taken or killed or had in possession of any person between the first day of April and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period; and no muskrat shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins, or other contrivances be set for them during such period; and no muskrat shall be shot during the month of April; nor shall any muskrat house be cut, speared, broken or destroyed at any time; and any such traps, snares, gins, or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor, provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. ☞But nothing in this section shall be held to prevent the destruction of musk rats by any means, at any time, in the vicinity of dams or drainage embankments where there is a probability of injury being caused by them to the said dams or drainage enbankments.☜ R. S. O. 1887, c. 221, s. 6; 55 V. c. 58, s. 3

(2) Provided, however, no beaver or otter shall be hunted, taken or killed before the first day of November, 1897. 55 V. c, 58, s. 2, (2).

9. No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into such growing or standing grain without permission of the owner or occupant thereof, and no person shall, at any time, hunt or shoot upon any enclosed land of another after being notified not to hunt or shoot thereon, and any person who shall, without the right to do so, hunt or shoot upon any enclosed land of another after having been notified not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act; but nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass. The possession of guns, decoys, or other implements of shooting or hunting, shall be presumptive evidence that the purpose of the trespass was shooting or hunting. Any owner or occupant of land may give the notice provided for in this section by maintaining two sign boards, at least one foot square, containing such notice, upon at least every forty acres of the premises sought to be protected, on or near the borders thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by giving personal, written, or verbal notice, and such notice firstly herein provided for may be in the form following:—"Hunting or shooting on these lands forbidden under Ontario Game Laws."

Provided that any person who shall, without authority in that behalf, put up, or cause to be put up, any such notice on any lands of which he is not the owner, or the possession of which he is not legally entitled to, or who shall tear down, remove, injure, deface or interfere with any such notice, shall be deemed guilty of a violation of this Act. 55 V. c. 58, s. 7.

(2) For the purposes of this section, land, the boundary or any part of the boundary of which is a water line or line between land and water, or passes through a marsh or swamp, or any land covered with water, shall be deemed to be enclosed if posts are put up and maintained on the boundary thereof or on the boundary of the part thereof sought to be enclosed, at distances which will permit of *every post* being clearly visible from the nearest post on either side thereof and so placed that the boundaries will be sufficiently indicated by said posts.

10. In order to encourage persons who have heretofore put bred or imported or hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that it shall not be lawful for any person knowing it to be such game to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has heretofore or shall hereafter be so put bred or imported wherever such game may be found. R. S. O. 1887, c. 221, s. 10.

11.—(1) The board heretofore constituted and known as the Board of Fish and Game Commissioners of the Province of Ontario is hereby continued and shall be composed of five members who shall be appointed by the Lieutenant Governor-in council, and who save as to three of those first appointed shall hold office for the term of three years each, and who, except the secretary, who may be a member of said board, shall serve without compensation either direct or indirect other than actual disbursements or than as hereinafter provided. One of the said commissioners shall retire at the end of one year, two at the end of two years, and two at the end of three years from their first appointment, the order of retirement being decided between themselves by lot. Commissioners may from time to time at the expiration of their terms of office, be reappointed for further terms of three years.

(2) The Lieutenant-Governor in council shall from time to time as vacancies on the said board occur, whether by expiration of term, resignation or any other cause, make appointments to fill such vacancies and shall appoint the president and secretary of the said board.

(3) The said board shall meet at least once and not oftener than three times each year, and shall make rules and regulations subject to the approval of the Lieutenant-Governor in council for the guidance of game and fish wardens and deputy-wardens. 55 V., c. 58, s. 9.

12.—(1) The Lieutenant-Governor in council upon the recommendation of the said board may appoint a chief game and fish warden who shall act as secretary and business agent of the said board, and may also appoint other game and fish wardens not exceeding four in number, whose duties shall be prescribed by rules and regulations in that behalf. The compensation of the secretary and the said chief warden and other wardens, and such allowance to the Chairman of the Board of Fish and Game Commissioners as may be reasonable shall be fixed by the Lieutenant-Governor in council, and shall be paid out of the license fees and fines collected under the provisions of this Act and such other moneys as may be appropriated for the purposes of this Act by the Legislative Assembly of the Province, and said board shall have the power to appoint, or may authorize the chief game warden to appoint at any time, deputy-wardens in any part of the Province for such period of time as they in their discretion may determine and to dismiss such deputy-wardens in the discretion of the said board. 55 V., c. 58, s. 10.

(2) The chief game and fish warden, and the other game and fish wardens appointed under the provisions of this section, having taken the oath of office hereinafter prescribed shall be ex-officio justices of the peace for all the purposes of this Act, and of any regulations made under the authority thereof.

(3) The said chief warden and other wardens shall before acting as justices of the peace under this Act take and subscribe the following oath :

I, *A.B.*, the chief game and fish warden or one of the wardens (*as the case may be*) appointed under the provisions of *The Ontario Game Protection Act*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of of such chief game and fish warden, or game and fish warden (*as the case may be*), according to the true intent and meaning of *The Ontario Game Protection Act* and of all regulations made or to be made thereunder. So help me God. *See* Ontario Fisheries Act, sec. 11.)

13. It shall be the duty of the said board to give all necessary directions and to take all reasonable measures for securing the enforcement of the laws for the protection of game and for giving effect to the provisions of laws for the preservation, propagation and protection of the fish of the Province; to collect, classify and preserve all such statistics, data and information as they may think will tend to promote the objects of such laws; to conduct all the necessary correspondence; to take charge of and keep all reports, books, papers, documents or specimens which they may collect in the discharge of their duties under this Act; and to prepare an annual report to the Lieutenant-Governor on or before the 31st day of December of each year, showing what has been done by

them during the year and the manner in which their duties have been performed, with such recommendations for the Legislative action, if any, as the said board may deem calculated to better promote the preservation of fish and game, and increase the more useful food fishes within the Province and to lessen the cost of the same. 55 V., c. 58, s. 11.

14.—(1) No person not a resident and domiciled in the Province of Ontario or Quebec shall be entitled to hunt, take, kill, wound or destroy any moose, elk, reindeer, caribou or other deer, otter, sable, beaver, or any other game animal or bird referred to in this Act, or any other bird or animal, whether protected by this Act or not, without having first obtained a license in that behalf; every such license shall be signed by the chief fish and game warden and countersigned by the provincial secretary or his deputy and shall be in force for one season only, and shall be subject to the provisions of the game laws in force in the Province at the time the said license was granted; the fee to be paid therefor shall be $25 and shall be payable to the provincial treasurer to be applied to the expenses incurred in carrying out the provisions of the game laws. Such license shall not be valid unless the signature of the person to whom it is issued is endorsed thereon.

(2) Every such person shall, on request by any person whomsoever within the Province, at all reasonable times, and as often as reasonably requested, produce and show to the person making the request, such license; and if he shall fail or refuse to do so, he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding, or destroying any such animal or bird, and on proof of the facts mentioned in the first sub-section hereof, and upon proof of such request and failure or of refusal, be deemed to have violated the provisions of this section.

(3) The provincial secretary, any member of the board of fish and game commissioners, or the chief fish and game warden may grant a permit to a guest of a resident of the Province free of charge for a term not exceeding one week. 51 V., c. 36, s. 3; 55 V., c. 58, s. 8.

15.—(1) It shall be the duty of every deputy-warden forthwith to seize all birds, animals, or portion of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace to answer for such illegal possession. R. S. O., 1887, c. 221, s. 15.

(2) It shall also be the duty of every deputy-warden to institute proceedings against all persons found infringing the provisions of this Act or any of them, and every deputy-warden may cause to be opened, or may himself open in case

of refusal, anybag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season or peltries out of season are hidden.

(3) Every deputy-warden, if he has reason to suspect and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other building, shall make a deposition in the form "A" annexed to this Act before a justice of the peace and demand a search warrant to search such store, private house, shed, or other building and thereupon such justice of the peace may issue a search warrant according to form "B." R. S. O., 1887, c. 221, s. 15.

(4) Subject as hereinafter provided, no person charged with an offence under this Act shall be compelled to attend before a magistrate at a greater distance from his place of residence or the place where the offence was committed than ten miles, should there be a magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto.

16.—(1) Any officer authorized under the provisions of this Act to enforce the fish and game laws, may, without process, arrest any violator of said laws for an offence committed in his presence; and he shall with reasonable diligence cause him to be taken before any justice of the peace for a warrant and trial either in the county where the offence was committed or in the county in which the violator was arrested, and jurisdiction in all cases under this Act is hereby granted to all justices of the peace, magistrates, stipendiary magistrates, and all other courts, to be exercised in the same way and manner as if the offence had been committed in their respective counties. Any officer who shall maliciously, or without probable cause, abuse his power in such proceedings shall be guilty of an offence under this Act.

(2) Sheriffs, deputy-sheriffs, provincial police or constables, county constables, police officers, wood rangers, crown lands agents, timber agents, fire wardens, and fishery inspectors or overseers, are vested with all the powers of deputy-wardens and authorized to enforce any of the provisions of this Act, and shall receive for their service the same fees.

(3) Officers authorized to enforce the game laws, and all other persons, may recover the penalties for the violation thereof in an action on the case in their own name or by complaint or indictment in the name of the province, and such prosecution may be commenced in any county in which the offender may be found or in which the offence was committed. 55 V., c. 58, s. 16.

17. Any of the wardens appointed under the provisions of this Act, or any magistrate, may, upon his own view, convict for any offence against the provisions of this Act. 55 V., c. 58, s. 14.

18. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 51 V., c. 36, s. 3 (19).

19. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county and district where the penalty was incurred, or the offence was committed, or wrong done, or in the county where the violator shall live or be found, and in cities, towns, and incorporated villages in which there is a police magistrate; before such police magistrate and save where otherwise provided by this section the procedure shall be governed by the Act Respecting Summary Convictions Before Justices of the Peace and Appeals to General Sessions. 51 V., c. 36, s. 3 (21).

20. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:—

(1) The information shall be laid within three months after the commission of the offence.

(2) The description of an offence in the words of this Act or in any similar words, shall be sufficient in law;

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant. 55 V., c. 58, s. 17.

(4) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. 51 V., c. 36, s. 3 (20).

21.—(1) Any person offending against any of the provisions of sections *2* and 14 of this Act shall be liable for each offence to a fine not exceeding $50 and not less than $20, together with the costs of prosecution, and any person offending against any other of the provisions of this Act shall be liable for each offence to a fine not exceeding $25, nor less than $5, together with the costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county where such conviction shall take place for a period not exceeding three months.

(2) The justice or justices shall, in any such conviction, adjudge that the defendant be imprisoned unless the penalty and also the costs and charges of prosecution and commitment, and of conveying the defendant to prison are sooner paid.

(3) The amount of the costs and charges of the commitment and conveying of the defendant to prison, are to be ascertained and stated in the warrant of commitment. 55 V., c. 58, s. 13.

(4) Each and every violation of any of the provisions of this Act, shall be a separate offence, though more than one violation of the same kind, or of a different kind, shall take place upon the same day, and upon the trial of any prosecution under this Act, the justice or justices before whom the same may be tried, shall, if it appears that more than one offence of the same kind was committed on the same day, impose all the penalties in one conviction which he or they are hereby empowered to do.

22. All guns, nets, decoys and ammunition found in the possession of violators of the law shall be confiscated and sold by public auction and the proceeds thereof applied for the purposes of this Act, and in all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice. *See* R. S. O. 1887, c. 221, s. 9.

23. One-half of every fine collected under the provisions of this Act shall be paid to the prosecutor or person on whose evidence a conviction is made, and the other half shall be paid to the treasurer of the Province to be applied in carrying out the provisions of this Act; but the wardens appointed under this Act shall not be entitled to any portion of fines in cases where they may act as prosecutors. 55 V., c. 58, s. 15,

24. No person shall, on the Lord's day, hunt game animals or birds, or take, kill, or destroy, any game animals or birds, or use any gun or other engine for that purpose. 55 V., c. 58, s. 5.

25. Any person being masked or disguised who carries or has in his possession a gun or any fire arm, at or near any preserve or shooting ground, shall be guilty of an offence against this Act.

26. Section 6 of chapter 222, of the Revised Statutes of Ontario, 1887, *An Act for the Protection of Insectivorous and other Birds beneficial to Agriculture,* is hereby amended by striking out the words, " the commissioner of agriculture and all persons authorized by him to that effect," at the commencement of the said section and inserting in lieu thereof the words " the chief game warden for the time being under *The Ontario Game Protection Act, 1893.*"

27.—(1) The provisions of this Act shall not apply to Indians or to settlers in the unorganized districts of this Province, with regard to any game killed for their own immediate use for food only and for the reasonable necessities of the person killing the same, and his family and not for the purposes of sale or traffic. And nothing herein contained shall be construed to affect any rights specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting-grounds or in any territory specially set apart for the purpose; nor shall anything in this Act contained apply to Indians hunting in any portion of the Provincial territory as to which their claims have not been surrendered or extinguished. 55 V., c. 58, s. 12.

(2) The Lieutenant-Governor in council may, from time to time, by order in council in that behalf, exempt Indians or settlers or persons in the habit of dealing with Indians or actual *bona fide* settlers in the northern and north-westerly *or other sparsely settled* portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in the said Order in Council. All such orders in council shall be published in, or in connection with, the annual report of the fish and game commissioners.

28. The expression " game animal " or " game bird " wherever the same occurs in this Act, shall mean a bird or animal protected by the provisions of this Act.

29. The Acts of the Legislature of Ontario, chapter 221, Revised Statutes, Chapter 36 of the Statutes of 1888, Chapter 70 of the Statutes of 1890, and Chapter 58 of the Statutes of 1892, and all laws inconsistent with the provisions of this Act are hereby repealed.

FORM A.

(Section 15.)

I, undersigned
do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc. (as the case may be), are at present held and concealed (describe the property, occupant, etc., and the place).

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches (describe here the property, etc., as above).

Sworn before me at this day of A.D. 18 L. B. J. P. } X. Y.

FORM B.

(Section 15.)

Province of Ontario, County of }

To each and every, the constables of , county of .

Whereas,
has this day declared, under oath, before me, the undersigned, that he has reason to suspect that (game or birds killed or taken during the close season, etc., as the case may be) are at present held and concealed (describe property, occupant, place, etc.).

Therefore, you are commanded by these presents, in the name of Her Majesty, to assist the said , and to diligently help him to make the necessary searches to find the (state the birds or game killed or taken during the close season, or furs out of season, etc.) which he has reason to suspect, and does suspect, to be held and concealed in (describe the property, etc., as above), and to deliver, if need there be, the said birds, etc. (as the case may be), to the said to be by him brought before me, or before any other magistrate, to be dealt with, according to law.

Given under my hand and seal at , county of this day of A.D. 18 . L. S. } L. B. J. B.

No. 165.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend and consolidate the Laws for the protection of Game and Fur-bearing Animals.

First Reading, 5th May, 1893.
Second " 16th " 1893.

(Reprinted as amended by Committee of the whole House.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 166.] BILL. [1893.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 164, ss. 98, 99, 100, 101, and 103 repealed.

1. Sec. 98, 99, 100, 101 and 103 of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water* are repealed, and the following are substituted therefor and shall apply to all companies incorporated since 10th March, 1882.

Municipality may acquire works of company on payment therefor.

98. The works of a company incorporated for the purpose of supplying a city, town, or village, with gas or water, and all property used in connection therewith may be acquired by the corporation of such city, town or village at the end of twenty years from the date of publication of the notice in the sixth section mentioned, or at the end of any fifth year thereafter, provided the corporation shall have given to the company six months' notice in writing, of their intention to acquire the works, whether at the end of twenty years or any such later period.

Mode of computing value.

99. The amount to be paid by the corporation for such works and property shall be determined by arbitration in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and in determining such amount the arbitrators shall allow the fair and reasonable value, having regard to the cost of the works and property, the way in which they are being used and employed, and the revenue received therefrom.

Time within which award to be made and amount paid.

100. The arbitration shall be proceeded with at some time during the period of three months next preceding the date of acquisition named in such notice, and at or before such date the amount awarded shall be paid by the corporation if the award be then made, and if the award be not then made the corporation shall in case of dispute pay such amount and in such manner as may be ordered by a judge of the High Court of Justice on hearing the corporation and the company and having regard to the rights of any mortgagees or holders of bonds or debentures of the company.

Municipality may pass by-law and issue debentures without assent of electors.

101. The council of the municipality may pass a by-law for the issue of debentures to raise the amount awarded, and it shall not be necessary to submit the same to the vote of the electors, and the council may also by by-law authorise the head thereof, with the treasurer, to borrow from any person or bank such sums as may be required.

Municipality may take possession on payment of award.

103. Upon payment by the corporation of the amount awarded or agreed to be paid or ordered by a judge, as the case may be, the corporation may, by its officers, take possession of the works of the company and of all such property, whether the works and the property or any of them are within or without the municipality, and a judge of the High Court of Justice may make an order for delivery of possession by the sheriff or any other person appointed by the Court.

Rev. Stat. c. 164, s. 4, amended.

2. Section 4 of the said Act is amended by adding thereto the following sub-section :—

Power to assess property fronting on street in which pipes are laid.

(2) The municipal council may by by-law provide that the owners of all properties fronting on or abutting upon any street in, through and along which the water-works mains or pipes are laid, shall pay to the company water rates to be fixed by such by-law, and may regulate the rates according as the owners or occupants do or do not use the water, and the company shall have power to collect such rates from the owner and occupant of any such property, and such rates, after being fixed by the council and accepted by resolution of the company and notice thereof given to the municipal council, shall not be reduced without the consent of the company.

Rev. Stat. c. 164, s. 2, sub-s. 7, repealed.

3. Sub-section 7 of section 2 of the said Act is repealed and it is hereby declared that the term of the existence of any company formed since 10th March, 1892, is unlimited.

No. 166.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

First Reading, 5th May, 1893.

Mr. TAIT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 167.] **BILL.** [1893.

An Act to amend The Division Courts' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 7 of section 70, of *The Division Courts' Act* is amended by striking out $100, in the fourth line of clause *b*) of said sub-section, and inserting in lieu thereof $200. Rev. Stat. c. 51, s. 70, sub-s. 7, amended.

2. The said sub-section is further amended by striking out $200, in the the second line of clause (*c*), and inserting in lieu thereof $300. Rev. Stat. c. 51, s. 70, sub-s. 7, amended.

3. Section 208 of the said Act is amended by adding after $10, in the sixth line of the said section the words "and when the claim in dispute exceeds $250, a fee of from $10 to $15." Rev. Stat. c. 51, s. 208, amended.

4. Section 72 of the said Act is amended by striking out $60, in the fourth line of said section, and inserting in lieu thereof $200. Rev. Stat. c. 51, s. 72, amended.

No. 167.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Division Courts' Act.

First Reading, 8th May, 1893.

Mr. McKechnie.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 168.] BILL. [1893.

An Act respecting Ditches and Watercourses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ditches and Watercourses Act, 1893.*

Certain Acts not affected.

2. This Act shall not affect the Acts relating to municipal or government drainage work. Rev. Stat. c. 220, s. 3.

Interpretation.

3. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Engineer."

"Engineer" shall mean civil engineer, Ontario Land Surveyor, or such person as any municipality may deem competent and appoint to carry out the provisions of this Act. *See* Rev. Stat. c. 220, s. 2 (2).

"Judge."

"Judge" shall mean the senior, junior or acting judge of the county court of the county in which the lands are situated in respect of which the proceedings under this Act are taken. *New.*

"Owner."

"Owner" shall mean and include an owner, the executor or executors of an owner, the guardian of an infant owner, an agent under a general power of attorney, and a municipal corporation as regards any highways under its jurisdiction. *New* (*see* as to to municipalities, Rev. Stat. c. 220, s. 20).

"Clear days."

"Clear days" shall mean exclusive of the first and last days of any number of days prescribed. 52 V. c. 49, s. 7.

"Ditch."

"Ditch" shall mean and include a drain open or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not, and also the work and material necessary for bridges, culverts, catch-basins and guards. *New* (Comp. Rev. Stat. c. 220, s. 4 (1) *part*).

"Non-resident."

"Non-resident" shall mean a person who does not reside within the municipality in which his lands, affected by proceedings under this Act, are situate. *New* (Comp. Rev. Stat. c. 220, s. 19 (2)).

"Maintenance."

"Maintenance" shall mean and include the preservation of a ditch and keeping it in repair. *New.*

"Construction."

"Construction" shall mean the original opening or making of a ditch by artificial means. *New.*

Appointment of engineer.

4. Every municipal council shall name and appoint by by-law (Form A) one person to be the engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another engineer appointed in his stead, who shall have authority to commence proceedings under this Act or to continue such as may have been already taken. (*See* Rev. Stat. c. 220, s. 2.)

Ditches not to affect more than five lots.

5. Every ditch constructed under this Act shall be limited in length to passing through or into five original township lots, exclusive of any part or parts of the ditch running on or along any road allowance. *New.*

What lands to be liable for construction.

6. The lands, the owners of which may be made liable for the construction of a ditch under this Act, shall be those lying within a distance of seventy-five rods from the sides and point of commencement of the ditch. *New* (*comp.* Rev. Stat. c. 220, s. 8 (2).

Declaration of ownership.

7. Any owner other than the municipality shall, before commencing proceedings under this Act, file with the clerk of the municipality in which the parcel of land requiring the ditch is situate, a declaration of ownership thereof (Form B) which may be taken before a justice of the peace, a commissioner for taking affidavits, or the clerk of the municipality *New.*

Notice to other owners affected.

8. The owner of any parcel of land who requires the construction of a ditch thereon shall, before filing with the clerk of the municipality the requisition provided for by section 11 of this Act, serve upon the owners or occupants of the other lands to be affected a notice in writing (Form C) signed by him and naming therein a day and hour and also a place convenient to the site of the ditch at which all the owners are to meet and agree if possible upon the apportionment of the work, provision for material for construction among the several owners, according to their respective interests therein, and settle the proportions in which the ditch shall be maintained, and the notices shall be served not less than twelve clear days before the time named therein for meeting. (*See* Rev. Stat. c. 220, s. 5, *part*).

Form of agreement—filing.

9. If an agreement is arrived at by the owners as in the next preceding section is provided it shall be reduced to writing (Form D), and signed by all the owners and shall within six days after the signing thereof be filed with the clerk of the municipality in which the parcel of land the owner of which requires the ditch is situate,—but should the lands affected lie in two or more municipalities the agreement shall be in as many numbers as there are municipalities and filed as aforesaid

with their respective clerks; and the agreement may be enforced in the like manner as an award of the engineer as hereinafter provided. (*See* Rev. Stat. c. 220, s. 5, *part.*)

Reeve to sign on behalf of municipality interested.

10. The reeve or other head of the municipal council of any municipality shall have power on behalf of the municipal council thereof to sign the agreement aforesaid, and his signature shall be binding upon the corporation. *New.*

Regulation for appointment by engineer when no agreement arrived at.

11. In case an agreement as aforesaid is not arrived at by the owners at the said meeting or within five days thereafter, then the owner requiring the ditch may file with the clerk of the municipality in which such parcel is situate, a requisition (Form E), naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof, and requesting that the engineer appointed by the municipality under this Act be asked to appoint a time and place in the locality of the proposed ditch at which the said engineer will attend to make an examination as hereinafter provided. (*See* Rev. Stat. c. 220, s. 6, *part.*)

Notice to engineer and notice of appointment made by engineer.

12. The clerk, upon receiving the requisition, shall forthwith enclose a copy thereof in a registered letter to the engineer; and on the receipt of the same by the engineer he shall notify the clerk in writing appointing a time and place at which he will attend in answer to the requisition, which time shall be not less than ten nor more than sixteen clear days from the day on which he received the copy of the requisition; and on the receipt of the notice of appointment from the engineer the clerk shall file the same with the requisition and shall forthwith send, by registered letter, a copy of the notice of appointment to the owner making the requisition, who shall, at least four clear days before the time so appointed, serve upon the other owners named in the requisition a notice (Form F), requiring their attendance at the time and place fixed by the engineer, and shall after serving such notice endorse on one copy thereof the time and manner of service and leave the same with the endorsements thereon with the engineer not later than the day before the time fixed in the notice of appointment. (*See* Rev. Stat. c. 220, ss. 6, 8 *parts*; 52 V. c. 49, ss. 1, 2.)

Mode of serving notices.

13.—(1) Notices under the provisions of this Act shall be served personally, or by leaving the same at the place of abode of the owner or occupant, with a grown up person residing thereat, and in case of non-residents, then upon the agent of the owner, or by registered letter addressed to the owner at the post office nearest to his last known place of residence, and where that is not known then he may be served in such manner as the judge may direct. (*See* Rev. Stat. c. 220, s. 19 (1).

Occupant to notify owner.

(2) Any occupant not the owner of the land, notified in the manner provided by this Act, shall immediately notify the

owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. Rev. Stat. c. 220, s. 7.

Examination by engineer.

14. The engineer shall attend at the time and place appointed by him in answer to the requisition, and shall examine the locality, and if he deems proper, or if requested by any of the owners, may examine the owners and their witnesses present, and take their evidence, and may administer an oath or affirmation to any owner or witness examined by him. The engineer may adjourn his examination and the hearing of evidence from time to time, and if he shall find that the ditch is required he shall, within thirty days after his first attendance make his award in writing (Form G), specifying clearly the location, description and course of the ditch, its commencement and termination; apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or of any the owners, so that as far as practicable each owner shall maintain the portion on his own land, and stating the amount of his fees and the other charges and by whom the same shall be paid. (*See* Rev. Stat. c. 220, s. 8 (1).)

Engineer may order opening of ditch across land of a person not benefited.

15. Should the engineer be of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof, and that it is necessary or not, as the case may be, to construct the ditch across or into his land, he may by his award relieve such owner from performing any part of the ditch and place its construction on the other owners; and any persons carrying out the provisions of the award upon the land of the owner so relieved shall not be considered trespassers while causing no unnecessary damage and if they shall replace any fences opened or removed by them. (*See* Rev. Stat. c. 220. s. 9 (1).)

Filing award, notice to persons affected.

16. The engineer shall, forthwith after making his award as hereinbefore provided, file the same, and any plan, profile or specifications of the ditch with the clerk of the municipality in which the land requiring the ditch is situate, but should the lands affected lie in two or more municipalities, the award and any plan, profile or specifications shall be filed by the engineer with the clerk of each municipality, and may be given in evidence in any legal proceedings by certified copy as are other official documents; and the clerk of the municipality, or of each of the municipalities, shall forthwith upon the filing of the award notify each of the persons affected thereby within the municipality of which he is clerk, by registered letter or personal service, of the filing of the same, and shall keep a book in which he shall record the names of the parties to

whom he has sent notice, the address to which the same was sent, and the date upon which the same was deposited in the post office or personally served. (*See* Rev. Stat. c. 220, s. 10.)

Powers of engineer of municipality in which proceedings commenced.

17. If the lands affected by the ditch are situate in two or more municipalities, the engineer of the municipality in which proceedings were commenced shall have full power and authority to continue the ditch into or through so much of the lands in any other municipality as may be found necessary, but within the limit of length as hereinbefore provided, and all proceedings authorized under the provisions of this Act shall be taken and carried on in the municipality where commenced. (*See* Rev. Stat. c. 220, s. 26, *part.*)

Certificates relating to lands or roads in adjoining municipalities.

18. In every case where lands or roads in two or more municipalities are affected the clerk of the municipality in which proceedings were commenced shall forward to the clerk of each of the other municipalities a certified copy of every certificate affecting or relating to lands or roads therein respectively, and the municipal council thereof shall pay the sum for which lands and roads within its limits are liable to the treasurer of the municipality in which proceedings were commenced, and unless the amounts are forthwith paid by the parties declared by the certificate liable to pay the same, shall have power to take all proceedings for the collection of the sums so certified to be paid, as though all the proceedings had been taken and carried on within its own limit. (*See* Rev. Stat., c. 220, s 26, *part.*)

Appeals from award to county judge.

19.—(1) Any owner dissatisfied with the award of the engineer, and affected thereby, may, within fifteen clear days from the filing thereof, appeal therefrom to the judge, and the proceedings on the appeal shall be as hereinafter provided. (*See* Rev. Stat., c. 220, s. 11, *part.*)

Notice of appeal.

(2) The appellant shall serve upon the clerk of the municipality in which proceedings for the ditch were initiated, a notice in writing of his intention to appeal from the award, shortly setting forth therein the grounds of appeal. (*See* Rev. Stat., c. 220, s. 11 (1).)

Clerk to notify judge and judge to fix time and place for hearing.

(3) The clerk, in the next preceding sub-section mentioned, shall, after the expiration of the time for appeal, forward by registered letter or deliver a copy of the notice or notices of appeal and a certified copy of the award, and also the plans and specifications (if any) to the judge, who shall forthwith upon the receipt of the registered letter, or documents aforesaid, notify the clerk of the time he appoints for the hearing thereof, and shall fix the place of hearing at the town hall or other place of meeting of the council, within the municipality in which proceedings for the ditch were initiated, and may if he thinks proper order such sum of money to be paid by the

appellant or appellants to the said clerk as will be a sufficient indemnity against costs of the appeal; and the clerk upon receiving notice from the judge, shall forthwith notify the engineer whose award is appealed against, and all parties interested, in the manner provided for the service of notices under this Act. (*See* Rev. Stat., c. 220, s. 11 (2), (3); 51 V., c. 35, s. 2.)

Inspection of premises by another engineer.

(4) Any appellant may have the lands and premises inspected by any other engineer or person who, for such purposes, may enter upon such lands and premises, but shall do no unnecessary damage. (*See* 53 V., c. 68, s. 1.)

Clerk of the court.

(5) The clerk of the municipality to whom notice of appeal is given shall be the clerk of the court, and shall record the proceedings. *New.*

Judge to hear and determine within two months.

(6) The judge shall hear and determine the appeal or appeals within two months after receiving notice thereof from the clerk of the municipality as hereinbefore provided. (*See* Rev. Stat., c. 220, s. 11 (5).)

Powers of judge on appeal.

(7) The judge on appeal may set aside, alter or affirm the award and correct any errors therein; he may examine parties and witnesses on oath, and, if he so desires, may inspect the premises and may require the engineer to accompany him; and should the award be affirmed or altered, the costs of appeal shall be in his discretion, but if set aside he shall have power to provide for the payment of the costs in the award mentioned, and also the costs of appeal, and may order the payment thereof by the parties to the award, or any of them, as to him may seem just, and may fix the amount of such costs. *New.*

Fees and disbursements of judge.

(8) The judge shall be entitled to charge for holding court for the trial of appeals under this Act, and for the inspection of the premises the sum of five dollars a day and his actual and necessary expenses, which charge shall be considered part of the costs of appeal under the provisions of the next preceding sub-section. *New.* (*See* 53 V., c. 67.)

Enforcement of award as amended.

(9) The award as so altered or affirmed shall be certified by the clerk together with the costs ordered, and by whom to be paid, and shall be enforced in the same manner as the award of the engineer, and the time for the performance of its requirements shall be computed from the date of such judgment in appeal; and the clerk shall immediately after the hearing, send by registered letter, to the clerk of any other municipality in which lands affected by the ditch are situate, a certified copy of the changes made in the award by the judge, which copy shall be filed with the award. (*See* Rev. Stat., c. 220, s. 11 (6).)

Powers of judge as to taking evidence.

20. In all appeals under this Act from the engineer's award the judge shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties

and other persons as belong to or might be exercised by him in the division court or in the county court. (*See* Rev. Stat., c. 220, s. 12.)

Municipalities to pay costs, etc., and collect same from persons liable.

21. The municipality or each of the municipalities shall immediately, after the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer and judge and all other persons entitled to same, their charges and fees or the portion thereof awarded or adjudged to be paid by the owners therein, and shall, if the same be not forthwith repaid by the persons awarded or adjudged to pay the same, cause the amount, with seven per cent. added thereto, to be placed upon the collector's roll as a charge against the lands of the person so in default, and the same shall thereupon become a charge upon such lands, and shall be collected in the same manner as municipal taxes. (*See* Rev. Stat., c. 220, s. 14.)

Letting work on non-compliance with award.

22.—(1) The engineer at the expiration of the time limited by the award for the completion of the ditch, shall inspect the same if required to do so by any of the owners interested, and if he finds the ditch or any part thereof not completed in accordance with the award, he may let the work to the lowest bidder giving security satisfactory to him and in favor of the municipality by which he was appointed, for the due performance thereof within a limited time, but no such letting shall take place—

(*a*) Until notice in writing of the intended letting has been posted up, in at least three conspicuous places in the neighbourhood of the ditch, for four clear days;

(*b*) And until notice thereof is sent, by registered letter, to the last-known address of such parties interested in the said award as are non-resident in said municipality or municipalities, as the case may be.

Extension o same for compliance.

(2) If, however, the engineer is satisfied of the good faith of the person failing in the performance of the award, and there is good reason for the non-performance thereof, he may, in his discretion, and upon payment of his fees and charges, extend the time for performance. (*See* Rev. Stat., c. 220, s. 15.)

Liability of person in default of doing work after proceedings begun.

(3) Any owner in default, doing the work after proceedings are begun to let the same, shall be liable for the fees and expenses occasioned by his default, and the same shall form a charge on his land, and if not paid by him, the council shall pay the same on the certificate of the engineer, and shall cause the amount to be placed on the collector's roll against the lands of the person in default to be collected in the same manner as municipal taxes. *New.*

Power to re-let.

(4) The engineer may let the work, by the award directed, a second time or oftener, if it becomes necessary in order to secure its performance and completion. (52 V., c. 49, s. 3.)

Certificate of engineer upon completion or work let.

23. The engineer shall, within ten days after receipt of notice in writing of the completion of the work let, as in the next preceding section mentioned, inspect the same, and shall, if he finds the work completed, certify the same in writing, (Form H,) stating the name of the contractor, the amount payable to him, the fees and charges which the engineer is entitled to for his services rendered necessary by reason of the non-performance, and by whom the same are to be paid. (*See* Rev. Stat., c. 220, s. 16.)

Council to pay sums decided by certificate and collect same from persons liable.

24. The council shall at their meeting next after the filing of the certificate or certificates as in the next preceding section mentioned, pay the sums therein set forth to the persons therein named, and unless the owners within the municipality pay the sums for which they are thereby made liable, the council shall have power to cause the amount each owner is liable for, together with seven per cent. added thereto, to be placed upon the collector's roll, and the same shall thereupon become a charge against his lands, and shall be collected in the same manner as municipal taxes. (*See* Rev. Stat., c. 220, s. 18.)

Letting of contracts for rock-cutting or blasting.

25.—(1) If it appears to the engineer that rock-cutting or blasting is required, the engineer may cause the work of cutting or blasting and removing the rock to be done by letting the same out to public competition by tender or otherwise, instead of requiring each owner benefited to do his share of the work; and the engineer shall, by his award, determine the fractional part of the whole cost which shall be paid by each of the owners benefited, and upon completion of the rock-cutting or blasting and removal shall certify, to the clerk of the municipality by which he was appointed, the total cost thereof including his fees and charges, and the said clerk, and the clerk of any other municipality affected shall notify all the owners liable to contribute under the award, within their respective municipalities of the said total cost and the part to be paid by him, and unless forthwith paid, the same shall be placed on the collector's roll of the municipality in which his lands are situate, and the same shall thereupon become a charge against the land of the owners so liable, and shall be collected in the same manner as municipal taxes. (*See* Rev. Stat., c. 220, s. 9 (1).)

Payment of contractors and engineer.

(2) It shall be the duty of the municipality in which proceedings for the work were commenced, through the treasurer thereof, to pay the contractor for the rock-cutting or blasting and removal as soon as done to the satisfaction and upon the certificate of the engineer and also to pay the fees and charges of the engineer in connection therewith. *New.* (*See* Rev. Stat., c. 220, s. 13.)

Owner desiring to avail themselves of ditch after construction.

26. In case any owner during or after the construction of a ditch desires to avail himself of such ditch for the purpose of draining other lands than those contemplated by the origi-

nal proceedings he may avail himself of the provisions of this Act, as if he were an owner requiring the construction of a ditch ; but no owner shall make use of a ditch after construction, unless under an agreement or award, pursuant to the provisions of this Act. (*See* Rev. Stat , c. 220, s. 25.)

Deepening, widening or covering ditch.

27. This Act shall apply to the deepening, widening or covering of any ditch already or hereafter constructed, and the proceedings to be taken for procuring such deepening, widening or covering, shall be the same as the proceedings to be taken for the construction of a ditch under the provisions of this Act, but in no case shall a ditch be covered, unless when covered it will provide capacity for all the surface water from lands and roads draining naturally towards and into it. (*See* Rev. Stat., c. 220, s. 28.)

Maintenance of ditches heretofore or hereafter constructed.

28. The maintenance of any ditch, whether covered or open, constructed, or of any creek or watercourse that has been deepened or widened, under the provisions of *The Ditches and Watercourses Act*, *The Ditches and Watercourses Act, 1883*, or *The Ditches and Watercourses Act*, or constructed, deepened, widened or covered under this Act, shall be performed by the respective owners, in such proportion as is provided in the original or any subsequent award ; and the manner of enforcing the same, shall be as hereinafter provided. (*See* 52 V. c. 49. s. 6.)

Enforcing maintenance.

29.—(1) If any owner whose duty it is to maintain any portion of a ditch, neglects to maintain the same in the manner provided by the award, any of the owners affected by the ditch, may, in writing, notify the owner making default, to have his portion put in repair within thirty days from the receipt of such notice ; and if the repairs are not made and completed within thirty days, the owner giving the notice, may notify the engineer, in writing, to inspect the portion complained of. *New.*

(2) The inspection by the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as hereinbefore provided in case of non-completion of the construction of a ditch ; but should the engineer find no cause of complaint he shall certify the same with the amount of his fees and charges to the owner who complained and also to the clerk of the municipality, and the owner, who made complaint, shall pay the fees and charges of the engineer, and if not forthwith paid by him, the same shall be paid, charged and collected in the same manner as is provided for by this Act, in the case of other certificates of the engineer. *New.*

Reconsideration of agreement or award.

30. Any owner of lands affected by a ditch, whether constructed under this Act or any other Act respecting ditches

and watercourses, may, at any time after the expiration of one year from the completion of the construction thereof, take proceedings for the reconsideration of the agreement or award under which it was constructed, and in every such case he shall take the same proceedings, and in the same form and manner, as are hereinbefore provided in the case of the construction of a ditch. *New.* (*See* 52 V. c. 49, s. 5.)

Penalty for engineer failing to inspect.

31. Any engineer who wilfully neglects to make any inspection provided for by this Act for thirty days after he has received written notice to inspect, shall be liable to a fine of not less than $5 nor more than $10, to be recovered with costs on complaint made before a Justice of the Peace having jurisdiction in the matter, and in default of payment the same shall be recoverable by distress, and every such fine shall be paid over to the treasurer of the municipality in which the offence arose. (*See* Rev. Stat. c. 220, s. 17.)

Actions for mandamus, etc., not to be.

32. No action, suit or other proceeding shall lie or be had or taken for a mandamus or other order to enforce or compel the performance of an award or compl tion of a ditch made under this Act, but the same shall be enforced in the manner provided for by this Act. (*See* 52 V. c. 49, s. 4.)

Act substituted for Rev. Stat. c. 220, 51 V. c. 35; 52 V. c. 49; 53 V. c. 68, and inconsistent enactments repealed.

33. This Act is substituted for *The Ditches and Watercourses Act* as amended by the Act passed in the 51st year of Her Majesty's reign chaptered 35, by *The Ditches and Watercourses Amendment Act, 1889*, and by the Act passed in the 53rd year of Her Majesty's reign chaptered 68, and all Acts and parts of Acts inconsistent with this Act are hereby repealed. *New.*

Use of forms.

34. In carrying into effect the provisions of this Act, the forms set forth in the schedule hereto may be used, and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule. *New.* (*See* 52 V. c. 3, s. 44 *Voters' Lists.*)

SCHEDULE.

(*Section* 4.)

FORM "A."

BY-LAW FOR APPOINTMENT OF ENGINEER.

A by-law for the appointment of an engineer under *The Ditches and Watercourses Act 1893.*

Finally passed 189

The municipal council of the of in the county of enacts as follows:

1. Pursuant to the provisions of section 4 of *The Ditches and Watercourses Act, 1893,* (*name of person*) of the town (*or* township of in the county of is hereby appointed as the engineer for this municipality to carry out the provisions of the said Act.

2. The said engineer shall be paid the following fees for services rendered under the said Act (*or as the case may be*).

3. This by-law shall take effect from and after the final passing thereof.

Reeve.

Clerk.

{Seal.}

New.

FORM "B."

(*Section* 7.)

DECLARATION OF OWNERSHIP.

In the matter of *The Ditches and Watercourses Act, 1893*, and of a ditch in the township (*or as the case may be*) of in the county of .

I of the of in the county of , do solemnly declare and affirm that I am the owner within the meaning of the *The Ditches and Watercourses Act, 1893*, of lot (*or the sub-division of the lot, naming it*) number in the concession of the township of , being (*describe the nature of ownership*).

Solemnly declared and affirmed before me at the of in the county of A.D. 189 .

a Commissioner. (J. P. or clerk.)

New.

FORM "C."

(*Section* 8.)

NOTICE TO OWNERS OF LANDS AFFECTED BY PROPOSED DITCH.

To

Township of , (*date*) 189 .

Sir,

I am within the meaning of *The Ditches and Watercourses Act, 1893*, the owner of lot (*or the sub-division, as in the declaration*) number in the concession of , and as such owner I require a ditch to be constructed (*or if for reconsideration of agreement or award to deepen, widen or otherwise improve the ditch, state the object*) for the draining of my said land under the said Act. The following other lands will be affected: (*here set out the other parcels of land, lot, concession, and township and the name of the owner in each case; also each road and the municipality controlling it.*)

I hereby request that you, as owner of the said (*state his land*), will attend at (*state place of meeting*), on , the day of , 189 , at the hour of o'clock in the noon, with the object of agreeing, if possible, on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Yours, etc.,

(*Name of owner.*)

(*See* Rev. Stat., c. 220, Form B.)

FORM "D."

(Section 9.)

AGREEMENT BY OWNERS.

Township of (date) 189

Whereas it is found necessary that a ditch should be constructed (*or* deepened, *or* widened, *or otherwise improved*) under the provisions of *The Ditches and Watercourses Act, 1893*, for the draining of the following lands (and roads if any): (*here describe each parcel and give name of owner as in the notice, including the applicants own land, lot, concession and township, and also roads and by whom controlled*).

Therefore we the owners within the meaning of the said Act of the said lands (*and if roads proceed* and the reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows; That a ditch be constructed (*or as the case may be*) of the following description: *Here give point of commencement, course and termination, its depth, bottom and top width and other particulars as agreed upon, also any bridges, culverts or catch basins, etc., required.* I owner of (*describe his lands*) agree to (*here give portion of work to be done, or material to be supplied*) and to complete the performance thereof on or before the day of A.D., 189 . I owner of etc., (*as above, to the end of the ditch*).

That the ditch when constructed shall be maintained as follows: I owner of (*describe his lands*) agree to maintain the portion of ditch from (*fix the point of commencement*) to (*fix the point of termination of his portion*). I, owner of (*describe his lands*) agree to maintain, etc., (*as above, to the end of the ditch*).

Signed in presence of (*Witness signs here*). } (*Signed by the parties here*).

(*See* Rev. Stat., c. 220, Form A.)

FORM "E."

(*Section 11*).

REQUISITION FOR EXAMINATION BY ENGINEER.

Township of (date) 189

To (*name of clerk*).
Clerk of
(*P.O. address*).

SIR,—I am, within the meaning of *The Ditches and Watercourses Act, 1893*, the owner of lot (*or sub-division as in the declaration*), number , in the concession of and as such I require to construct a ditch (*deepen, widen or otherwise improve as needed*), under the provisions of the said Act, for the draining of my said land, and the following lands and roads will be affected: (*Here describe each parcel to be affected as in the notice for the meeting to agree and state the name of the owner thereof*), and the said owners having met and failed to agree in regard to the same, I request that the engineer appointed by the municipality for the purposes of the said Act, be asked to appoint a time and place in the locality of the proposed ditch, at which he will attend and examine the premises, hear any evidence of the parties and their witnesses, and make his award under the provisions of the said Act.

(*Signed by the party or parties*).

(*See* Rev. Stat. c. 220, Form C.)

FORM "F."

(*Section 12.*)

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

Township of (date) 189 .

To (*Name of applicant*).
P. O. Address).

SIR,—You are hereby notified that the engineer appointed by the municipality for the purposes of *The Ditches and Watercourses Act, 1893*, has, in answer to my requisition, fixed the hour of o'clock in the noon of day, the day of to attend at (*name the place appointed*) and to examine the premises and site of the ditch required by me to be constructed under the provisions of the said Act (*or as the case may be*) and you, as the owner of lands affected, are required to attend, with any witnesses that you may desire to have heard, at the said time and place.

Yours, etc.

(*Signature.*)

(*See* Rev. Stat. c. 220, Form D.)

FORM "G."

(*Section 14.*)

AWARD OF ENGINEER.

I, the engineer appointed by the municipality of the of in the county of under the provisions of *The Ditches and Watercourses Act, 1893*, having been required so to do by the requisition of , owner of lot number , in the concession of the township of (*describe as in requisition*), filed with the clerk of said municipality and representing that he requires certain work to be done under the provisions of the said Act for the draining of the said land, and that the following other land (*and roads*) would be affected: —(*Here set out the other parcels of lands or roads affected as in the requisition*), did attend at the time and place named in my notice in answer to said requisition, and having examined the locality (and the parties and their witnesses) (*if such be the case*) find that the ditch (*or the deepening or widening of a ditch*) is required. The location, description and course of the ditch, and its point of commencement and termination are as follows :—

(*Here describe the ditch as to all above particulars.*)

The said work will affect the following lands :—(*Here set forth the other lands and their respective owners.*) I do therefore award and apportion the work and the furnishing of material among the lands affected and the owners thereof according to my estimate of their respective interests in the said work as follows :—

1. (*Name of owner and description of his land*) shall make and complete (*here fix the point of commencement and ending of his portion*) and shall furnish the material (*state what material*) all of which, according to my estimate, will amount in value to $, and I fix the time for the performance of such work, and providing such material on the day of , A.D. 189 , at furthest.

2. (*Name of owner and description of his land and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows :—

1. (*Name of owner and description of his land*) shall maintain (*here fix the point and commencement and ending of his portion*).

2. (*Name of owner, etc., as above.*)

My fees and the other charges attendant upon and for making this award are (*here give fees and other charges, including clerk's fees in detail*) amounting in all to $, which shall be borne and paid as follows :—(*State by whom and by what lands respectively*).

Dated this day of A.D. 189 .

Witness,

(*Signature of Engineer.*)

(*See* Rev. Stat. c. 220, Form E.)

FORM "H."

(*Section 23.*)

CERTIFICATE OF ENGINEER.

To

Clerk of the of

I hereby certify that has completed the work and furnished the material (*as the case may be*) which under my award made in accordance with the provisions of *The Ditches and Watercourses Act, 1893*, and dated the day of A.D. 189 , one , owner of lot number (*describe his land, giving township or otherwise*) was adjudged to perform, and having failed in the performance of the same it was subsequently let by me to the said for the sum of $, and as he has now completed the performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure to perform are (*give items*) $, and said amount payable to the said contractor and the said fees and charges are chargeable on (*describe property to be charged therewith*) under the provisions of *The Ditches and Watercourses Act, 1893*, unless forthwith paid.

Dated this day of A.D. 189 .

(*Signature of Engineer.*)

Engineer for

(*See* Rev. Stat. c. 220, Form F.)

No. 168.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Ditches and Water-courses.

First Reading, 8th May, 1893.

Mr. HARDY.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 169.] BILL. [1893.

An Act to consolidate and amend the Drainage Laws

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Drainage Act, 1893.*" Short title.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :— Interpretation

(1) "Construction" shall mean the original opening, making, excavating or completing of drainage work. "Construction."

(2) "Maintenance" shall mean the preservation and keeping in repair of a drainage work. "Maintenance."

(3) "Sufficient outlet" shall mean the safe discharge of water at a point where it will do no injury to lands or roads. "Sufficient outlet."

(4) "Relief" shall mean relieving from liability for causing water to flow upon and injure lands or roads. "Relief."

(5) "Court of revision" shall mean a court of revision constituted under the provisions of this Act, for the trial of complaints respecting assessments for drainage work. "Court of Revision."

(6) "County judge" shall mean the senior, junior, or acting judge of a county court to whom appeals lie under the provisions of this Act from a court of revision, but shall not include a deputy judge. "County Judge."

(7) "Referee" shall mean the referee appointed under the provisions of *The Drainage Trials Act, 1891*, or of this Act, for the trial of disputes under the drainage laws of the Province of Ontario, and "reference" shall mean a reference to the said referee under the provisions of this Act. *See* 55 V. c. 42, s. 568*a*. "Referee." 54 V. c. 51. "Reference."

CONSTRUCTION OF DRAINAGE WORK.

3.—(1) Upon the petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll, to be the owners of the land to be benefited in any des- What work may be undertaken on petition.

cribed area within any township, incorporated village, town or city, to the municipal council thereof, for the draining of the area described in the petition by means of drainage work, that is to say, the construction of a drain or drains ; the deepening, straightening, widening, clearing of obstructions, or otherwise improving any stream, creek or watercourse ; the lowering the water of any lake or pond, or by any or all of said means as may be set forth in the petition, the council may procure an engineer or Ontario land surveyor to make an examination of the area to be drained, the stream, creek or watercourse to be deepened, straightened, widened, cleared of obstructions or otherwise improved, and the lake or pond, the water of which is to be lowered, according to the prayer of the petition, and to prepare a report, plans, specifications and estimates of the drainage work, and to make an assessment of the lands and roads within said area to be benefited and of any other lands and roads liable to be assessed as herein provided, stating as nearly as may be, in the opinion of said engineer or surveyor the proportion of the cost of the work to be paid by every road and lot or portion of lot for benefit, liability for outlet, and liability for causing water to flow upon and injure lands or roads. *See* 55 V. c. 42, s. 569.

Council to order examination and report by engineer.

When work requires pumping, embanking, etc.

(2) The provisions of the next preceding sub-section and of all sections of this Act relating to drainage work applicable thereto, shall apply and extend to every case where the drainage work can be effectually executed only by embanking, pumping or other mechanical operations, but in every such case the municipal council shall not proceed except upon the petition of at least two-thirds of the owners defined and within the area described according to said sub-section. *See* 55 V. c. 42, s. 569 (8).

When lands may be assessed by engineer for "injuring liability."

(3) If from the lands or roads of any municipality, company or individual, water is by any means caused to flow upon and injure the lands or roads of any other municipality, company or individual, the lands and roads from which the water is so caused to flow may, under all the formalities and powers contained herein except the petition, be assessed and charged for the construction and maintenance of the drainage work required for relieving the injured lands or roads from such water, and to the extent of the cost of the work necessary for their relief, as may be determined by the engineer or surveyor, court of revision, county judge, or referee ; and such assessment may be termed injuring liability ; the owners of the lands or roads thus made liable for assessment shall neither count for nor against the petition required by sub-section 1, unless within the area therein described. *See* 55 V. c. 42, s. 590.

When lands may be assessed for "outlet liability."

(4) The lands and roads of any municipality, company or individual using any drainage work as an outlet, or for which when the work is constructed, an improved outlet is thereby provided, either directly or through the medium of any other drainage work or of a swale, ravine, creek or watercourse,

may, under all the formalities and powers contained herein except the petition, be assessed and charged for the construction and maintenance of the drainage work so used as an outlet or providing an improved outlet, and to the extent of the cost of the work necessary for any such outlet, as may be determined by the engineer or surveyor, court of revision, county judge or referee; and such assessment may be termed—outlet liability; the owners of the lands and roads thus made liable to assessment shall neither count for nor against the petition required by sub-section 1, unless within the area therein described. *See* 55 V. c. 42, s. 590.

Basis of assessment for outlet injuring liability.

(5) The assessment for injuring liability and outlet liability provided for in the two next preceding sub-sections shall be based upon the volume and shall also have regard to the speed of the water artificially caused to flow upon the injured lands or into the drainage work from the lands and roads liable for such assessments. *See* 55 V. c. 42, s. 590.

PETITION FOR CONSTRUCTION.

Form of petition.

4. The petition shall be in the form or to the effect following:— The petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll of the township of in the county of to be the owners of the lands to be benefited within said township, and hereinafter described, showeth as follows:—

Your petitioners request that the area of land within the said township and being described as follows: that is to say, lots numbered 1 to 10 inclusive in the first concession; lots lettered A to H inclusive in the second concession; north-west halves of lots numbered 4 to 12 inclusive in the third concession, side-road between lots numbered 7 and 8 in the first concession, and the road allowance between concessions 1 and 2 and between 2 and 3 (*as the case may be or by describing the area by metes and bounds*), may be drained by means of:—

1. A drain or drains.

2. Deepening, straightening, widening, clearing of obstructions or otherwise improving the stream, creek or watercourse, known as (*name or other general designation*).

3. Lowering the water of lake or the pond known as (*name or other general designation*), or by any or all of said means.

And your petitioners will ever pray:—

Names.	Names.

Duties of Engineer or Surveyor.

Oath of engineer.

5. Any engineer or surveyor employed or appointed by any municipal council to perform any work under the provisions of this Act, including the assessment of real property for the purpose of drainage work shall, before entering upon his duty, take and subscribe the following oath (or affirmation) before the clerk of the municipality, a justice of the peace or a commissioner for taking affidavits and shall leave the same with, or send it by registered letter to the clerk of the municipality. *See* 55 V., c. 42, s. 569 (7).

In the matter of the proposed drainage work (*or as the case may be*) in the township of (*name*).

I (*name in full*) of the town of in the county of (Engineer *or* Surveyor) make oath and say, (*or do solemnly declare and affirm*):

That I will, to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against any owner or owners, perform the duty assigned to me in connection with the above work and make a true report thereon.

Sworn (*or solemnly declared and affirmed*) before me at the of in the county of this day of A. D. 189

A Comm'r, etc. (*or Township Clerk or J.P.*)

Assessment of whole lot or sub-division.

6. The engineer or surveyor, in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected, but may place such assessment on the quarter, half or whole lot containing the part affected if the owner of the portion is also the owner of such lot or other said sub-division. *See* 55 V., c. 42, s. 569 (6).

Assessment may be shown in money.

7. The assessment upon any lands or roads for any drainage work may be shown by the engineer or surveyor placing sums of money opposite the lands or roads, and it shall not be necessary to insert the fractional part of the whole cost to be borne by the lands or roads as assessed. *See* 55 V., c. 42, s. 569 (7).

Plans, specifications and estimates.

8. The engineer or surveyor, when required by the council, shall make plans, specifications and detailed estimates of the drainage work to be constructed and charge the same to the work as part of its cost. *See* 55 V., c. 42, s. 578.

9. The engineer or surveyor shall, in his report, provide for the construction, enlargement or other improvement of any highway bridges or culverts throughout the course of the drainage work and apportion the cost thereof between the drainage work and the municipality having jurisdiction over the same, and he may also provide for water-gates in fences crossing the drain and for farm bridges and allow for the construction thereof in his assessment upon the lands, and may also, in the assessment of the lands or in money, allow to any person or persons the value to the drainage work of any private ditch or drain, or ditch or drain constructed under *The Ditches and Watercourses Act* incorporated therein or used therewith. *New.*

Engineer to provide for necessary bridges, culverts, water-gates, etc.

10. When a drainage work is to be constructed on or along a road allowance the engineer or surveyor shall, upon the application of the municipal council controlling such road allowance, place in his estimate of the cost of the work a sum sufficient to close-chop, or grub and clear not less than twelve feet of the middle of the road allowance (if required) and to spread thereon the earth to be taken from the work, and shall charge the cost thereof to the municipality, together with its proportion of the cost of the drainage work. *See* 55 V., c. 42, ss. 594-5.

Spreading earth and removing timber on road allowances.

Covering Drainage Work.

11. When the engineer or surveyor reports in favor of covering the whole or any part of a drainage work constructed under this Act, he shall determine and state in his report the size and capacity thereof and also the material to be used in its construction, and all the provisions herein shall apply thereto in the same manner and to the same extent as to an uncovered or open drainage work, but in no case shall the improvement of a creek, stream or natural water-course be made into a covered drainage work unless it provides capacity for all the surface water from lands and roads draining naturally towards and into it. *See* 55 V., c. 42, s. 585 (2).

Report in favor of covering drain.

Distinguishing Assessments.

12. The engineer or surveyor shall, in his report, give his reasons for assessing for benefit, outlet liability and injuring liability, and shall also, in his assessment schedule, insert the sum charged for each, opposite the lands and roads liable therefor respectively and in separate columns. *New.*

Engineer to give reasons for mode of assessment.

13. In fixing the sum to be assessed upon any lands or roads, the engineer or surveyor may take into consideration any prior assessment or assessments on the same lands or roads for drainage work and repairs and make such allowance or deduction therefor as may seem just, and he shall, in his report, state the allowance made by him in respect thereof. *New.*

Prior assessments to be taken into consideration.

Engineer to report as to whether or not other municipalities are interested and how.

14. The engineer or surveyor aforesaid shall determine and report to the council of the municipality by which he was employed, whether the drainage work shall be constructed and maintained solely at the expense of such municipality and the lands assessed therein, or at the expense of all the municipalities interested, and the lands therein assessed, and in what proportions. *See* 55 V., c. 42, s. 577.

FILING REPORT.

Engineer to file report.

15. As soon as the engineer or surveyor has completed his report and assessments, he shall file the same with the clerk of the municipality by which he was employed. *New.*

NOTICE TO PARTIES ASSESSED.

Clerk to notify parties assessed.

16. The clerk of the municipality shall notify all parties assessed within the area described in the petition by mailing to the owner of every parcel of land assessed therein for the drainage work a circular or postal card upon which shall be stated the date of filing the report, the name or other general designation of the drainage work, its estimated cost, the owner's lands and their assessment, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be read and considered, which shall be not less than ten days after the mailing of the last of such circulars or postal cards. *New.*

Consideration of Report.

Proceedings at meeting for consideration of report.

17. The municipal council shall at the meeting mentioned in such notice immediately after dealing with the minutes of its previous meeting, cause the report to be read by the clerk to all the ratepayers in attendance, and shall give an opportunity to any person who has signed the petition to withdraw from it, by putting his withdrawal in writing, signing the same and filing it with the clerk, and shall also give those present who have not signed the petition an opportunity so to do, and should any of the roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature shall count as one person benefited in favour of the petition. *New.*

EFFECT OF WITHDRAWAL FROM PETITION.

Withdrawing form petition.

18. Should the petition at the close of the said meeting of the council contain the names of the majority of persons benefited within the area described, the council may proceed with the work and no person having signed the petition shall thereafter be permitted to withdraw; but should the proposed work not be proceeded with on account of such withdrawals

from the petition, then the persons signing the petition who have afterwards withdrawn therefrom shall be *pro rata*, on their assessment in the report, chargeable with and liable to the municipality for the expenses incurred by said municipality in connection with such petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for such municipality against the lands of the person liable, and shall be collected in the same manner as taxes placed on the roll for collection. *See* 55 V., c. 42, s. 569 (22).

By-Laws.

19. Should the council of the municipality in which the lands and roads described in the petition lie, be of the opinion that the drainage work proposed in said petition, or a portion thereof, would be desirable, the council may pass a by-law or by-laws. *See* 55 V., c. 42, s. 569 :— What by-laws may be passed by council.

Doing Work and Borrowing Money.

1. For providing for the proposed drainage work or a portion thereof being done as the case may be. *See* 55 V., c. 42, s. 569 (1). Providing for work.

2. For borrowing on the credit of the municipality, the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities, and for issuing the debentures of the municipality to the requisite amount, including the costs of reference, if any, in sums of not less than $50 each, and payable within twenty years from date, except in case of pumping and embanking drainage work, the debentures for which shall be payable within thirty years from their date, with interest at a rate of not less than four per centum per annum. *See* 55 V., c. 42, s. 569 (2). Borrowing funds.

Assessing Lands and Roads.

3. For assessing and levying in the same manner as taxes are levied, upon the lands and roads to be benefited by the work and otherwise liable for assessment under this Act, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing, levying and collecting the same as other taxes are assessed, levied and collected, by an assessment and rate on the lands and roads (including roads held by joint stock companies, railway companies, private individuals, counties or county councils) so benefited or liable for assessment under this Act, in proportion as nearly as may be, to their respective liability to contribute. *See* 55 V., c. 42, s. 569 (3). Assessing lands and roads.

Fixing time for paying assessment.

4. For regulating the times and manner in which the assessment shall be paid. *See* 55 V., c. 42, s. 569 (4).

Determining Assessment Liability.

Determining property to be benefited.

5. For determining what lands and roads will be benefited by or otherwise rendered liable for assessment for the drainage work, and the proportion in which the assessment should be made, subject in every case of complaint by the owner or any person interested in any lands or roads to appeal as hereinafter provided. *See* 55 V., c. 42, s. 569 (5).

Form of By-law.

Form of by-law.

20. The by-law shall, varying with the circumstances, be in the form or to the effect following:—

A by-law to provide for drainage work in the of in the county of and for borrowing on the credit of the municipality, the sum of for completing the same (*or the sum of the proportion to be contributed by said municipality for completing the same*)

Provisionally adopted the day of A. D. 189 .

Whereas the majority in number of the resident and non-resident owners (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll, of the property hereinafter set forth to be benefited by drainage work (*as the case may be*) have petitioned the council of the said of praying that (*here set out the purport of the petition, describing generally the lands and roads to be benefited*).

And whereas, thereupon the said council has procured an examination, to be made by being a person competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and of other lands and roads liable to assessment under this Act, and has also procured plans, specifications and estimates of the drainage work to be made by the said and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability, which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, or parts of lots hereinafter in that behalf specially set forth and described; and the report of the said in respect thereof, and of the said drainage work being as follows: (*here set out the report of the engineer or surveyor employed*).

And whereas the said council are of opinion that the drainage of the area described is desirable :—

Therefore the said municipal council of the said of , pursuant to the provisions of *The Drainage Act, 1893*, enacts as follows :—

1st. The said report, plans, specifications and estimates are hereby adopted, and the drainage work as therein indicated and set forth, shall be made and constructed in accordance therewith.

2nd. The reeve (*or* mayor) of the said may borrow on the credit of the corporation of the said of the sum of dollars, being the funds necessary for the work (*or* being said municipality's proportion of the funds necessary for the work) and may issue debentures of the corporation to that amount in sums of not less than $50 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say : (*insert the manner of payment annually and whether with or without coupons, and if the latter, omit the last clause of this paragraph*) such debentures to be payable at and to have attached to them coupons for the payment of interest.

3rd. For paying the sum of $410, the amount charged against the said lands and roads for benefit, and the sum of $108, the amount charged against said lands and roads for outlet liability, and the sum of $135 the amount charged against said lands and roads for injuring liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for years, at the rate of per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads and the amount of the said total special rates and interest against each lot or part of lot respectively, shall be divided into equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year, for years, after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or part of lot.	Acres.	Value of benefit.	Value of outlet liability.	Value of injuring liability.	To cover interest for years at per cent.	Total special rate.	Annual assessment during each year for years.
			$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
10	5	200	100 00	23 00				
10	S. ½ 6	100	50 00	10 00				
10	N. ¼ 6	50	30 00	5 00				
10	S. W. ½ 8	100	80 00	13 00				
10	S. W. ½ &	150	150 00	20 00				
10	N. ¼ 9							
10	4	200	.....	24 00				
10	S. ½ 3	100	.....	13 00				
9	W. ½ 5	100	.....	.....	40 00			
9	N. ¼ 6	50	.....	.....	25 00			
9	N. E. ¼ &	150	.....	.....	70 00			
	N. ¼ 7							
Total for benefit			410 00	108 00	135 00			
" outlet			108 00					
" injuring			135 00					
Roads (and lands) of municipality			100 00					
Total			$753 00					

4th. For paying the sum of $100, the amount assessed against the said roads and lands of the municipality, and for covering interest thereon for years at the rate of per centum per annum, a special rate on the dollar, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole rateable property in the said of in each year for years, after the final passing of this by-law, during which the said debentures have to run.

5th. This by-law shall be published once in every week for four consecutive weeks in the , a newspaper, published in the town of (*or* printed and served *or* mailed *as described*), and shall come into force upon and after the final passing thereof, and may be cited as the " By-law." *See* 55 V. c. 42, s. 570.

Publication of By-law.

21.—(1) Before the final passing of the by-law, it shall be published once in every week for four consecutive weeks in such newspaper published either within the municipality or in the county town, or in a newspaper published in an adjoining or neighboring municipality, as the council may by resolution designate, with a notice of the time and place of holding the court of revision, and also a notice that anyone intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer and the clerk of the municipality, of his intention to make application for that purpose to the high court at Toronto during the six weeks next ensuing the final passing of the by-law. *See* 55 V. c. 42, s. 571 (1). Publication of by-law and notice of court of rovision.

(2) The clerk shall furnish the publisher of the newspaper with the names and post office addresses of all persons within the municipality whose lands are assessed for the drainage work, and the publisher shall mail to each owner to such post office address all issues of the newspaper containing the by-law, and the publisher shall make a statutory declaration of such mailing and file the same with the clerk of the municipality publishing the by-law. *New.* Newspaper to be sent to each person assessed.

22. The municipal council may, at its option, instead of publishing in a newspaper, by resolution direct that a copy of the by-law, including said notice of the sitting of the court of Revision and notice of intention to quash, written or printed, or partly written and partly printed, be served upon each of the assessed owners, or their lessees or the occupant of their lands, or the agent of such owner, or be left on the lands if occupied with some grown up person, and if unoccupied and the owner or his agent does not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner a copy of the by-law and notices, and a statutory declaration shall be made by the party or parties effecting any service or mailing such registered letters, showing the manner and date of effecting the service, or the date of mailing any registered letter, and the said declaration shall be filed by the person declaring with the clerk of the municipality passing the by-law. *See* 55 V. c. 42, s. 571 (2). Service in lieu of publication.

23. In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the notice attached to the by-law, or if the notice be served, then should the application be not made or be made unsuccessfully in whole or in part, the by-law, or so much thereof as is not quashed, so far as the same ordains, prescribes or directs anything within the proper competence of the coun- By-law or so much thereof as is not quashed within time limited.

cil to ordain, prescribe or direct, shall, notwithstanding any want of form or substance, either in the by-law itself or in the time or manner of passing, be a valid by-law. *See* 55 V. c. 42, s, 572 (1); s. 331.

COURT OF REVISION.

Court of revision where council consists of five or less than five.

24. If the council of the municipality consists of not more than five members, such five members shall be a court for the revision of the assessments for the drainage work. *See* 55 V. c. 48, s. 55.

Where council contains more than five members.

25. If the council consists of more than five members, such council shall appoint five of its members to constitute the said court of revision. *See* 55 V. c. 48, s. 56.

Oath of member of court.

26. Every member of the court of revision shall, before entering upon his duties, take and subscribe before the clerk of the municipality the following oath or affirmation in cases where, by law, affirmation is allowed:

I, , do solemnly swear (*or* affirm), that I will, to the best of my judgment and ability, and without fear, favor or partiality, honestly decide the appeals to the court of revision, from the assessments appearing in a by-law (*here set out title of by-law,*) which may be brought before me for trial as a member of said court. 55 V. c. 48, s. 57

Quorum.

Members not to sit on appeals when interested.

27. Three members of the court of revision shall constitute a quorum, and the majority of a quorum may decide all questions before the court. But no member of the court shall act as a member thereof while any appeal is being heard respecting any lands in which he is directly or indirectly interested, save and except roads and lands under the jurisdiction of the municipal council. *See* 55 V. c. 48, s. 58.

Clerk of court.

28. The clerk of the municipality shall be the clerk of the Court, and shall record the proceedings thereof. 55 V. c. 48, s. 59.

Meeting and adjournments.

29. At the time appointed, the court shall meet and try all complaints in regard to owners wrongly assessed or omitted from assessment, or assessed at too high or too low an amount, and such court may adjourn from time to time as required. *See* 55 V. c. 48, s. 61.

Administering oaths and summoning witnesses.

30. Any member of the court may administer an oath to any party or witness before his evidence is taken, and may issue a summons to any witness to attend such court. 55 V. c. 48, s. 62.

Witness failing to attend when summoned.

31. If any person summoned to attend the court of revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at

the rate of fifty cents a day in the case of non-professional witnesses and in the case of professional witnesses at the rates allowed by law in that behalf), he shall incur a penalty of $20, to be recovered with costs, by and to the use of any person suing for the same, either by suit in the proper Division Court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. *See* 55 V. c. 48, s. 63.

Procedure for Trial of Complaints.

Who may give notice of appeal.

32. Any owner of land, or where roads in the municipality are assessed any ratepayer, complaining of overcharge in the assessment of his own land or any roads of the municipality, or of the undercharge of any other lands or of any roads in the municipality, or that lands or roads within the area described in the petition which should have been assessed for benefit, have been wrongly omitted from the assessment, or that lands or roads which should have been assessed for outlet liability or injuring liability have been wrongly omitted, may personally, or by his agent, give notice in writing to the clerk of the municipality, that he considers himself aggrieved for any or all of the causes aforesaid. *See* 55 V. c. 48, s. 64 (1).

Time for holding court of revision.

Notice.

33. The trial of complaints shall be had in the first instance by and before the court of revision of the municipality in which the lands and roads assessed are situate, which court shall be held from time to time, as occasion may require, on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, or from the date of completing the services or mailing of a printed copy of the by-law, as the case may be; notice of the first sitting of the court shall be published or served with the by-law; and all notices of appeal shall be served on the clerk of the municipality at least eight days prior to the first sitting of the court; but the court may, though such notice of appeal be not given, allow at its first sitting, an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as may be just. *See* 55 V. c. 42, s. 569 (10); s. 571 (3).

Form of notice of complaint to person complained of.

34. If any complaint is made on the ground that any lands or roads have been assessed too low or wrongly omitted from assessment by the engineer or surveyor, the clerk shall give notice of the complaint and the time of the trial to the owner or person interested in such lands or in the case of roads to the reeve or other head of the municipality; which notice shall be in the form following or to the like effect; *See* 55 V. c. 48, s. 64 (3-9),

Take notice that you are required to attend before the court of revision at on the day of 189 , in the matter of the following appeal:—

" Appellant, (*name of*)

Subject.—That you are assessed too low (*or as the case may be*) for drainage work (*naming the drainage work*).

" To J. K.

(Signed,) X. Y.
Clerk."

Serving notice on person complained against.

35. The notice in the preceding section mentioned shall be sent by letter addressed to such person and to his post office address or to his last known address, at least five days before the first sitting of the court. *See* 55 V. c. 48, s. 64 (10, 11, 12)

Entry of appeals.

36. The clerk of the court shall enter the appeals on a list in the order in which they are received by him, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal. 55 V. c. 48, s. 64 (5).

Form of list of appeals.

37. Such list may be in the following form:—

Appeals from the assessment of the engineer on drainage work, to be heard at the court of revision, to be held at commencing at 10 o'clock in the forenoon on the day of 189 .

Appellant.	Representing whom.	Matter complained of.
A. B.	Self	Overcharged for benefit.
C. D.	Self	Overcharged for outlet.
E. F.	Self	Overcharged for injuring.
G. H.	J. R.	Undercharge for benefit.
L. M.	N. O.	Undercharge for outlet.
P. Q.	R. S.	Undercharge injuring.
T. U.	V. W.	Wrongly omitted.
X. Y.	Self	Wrongly assessed.
Etc.	Etc.	

Court of revision may take into consideration prior assessments.

38. In case any lands or roads have been assessed for the construction or repair of a drainage work, and the same property is afterwards assessed by the engineer or surveyor for the construction or repair of another drainage work, the court of revision or judge may take into consideration any prior assessment or assessments for drainage work on the same property and give such effect thereto as may be just. *See* 55 V. c. 42, s. 569 (11*a*).

Adjournment of court to notify persons affected by alteration of assessment.

39. When the ground of complaint is, that lands or roads are assessed too high, and the evidence adduced satisfies the court of revision or judge that the assessments on such lands or roads should be reduced, but no evidence is given of other lands or roads assessed too low or omitted, the court or

judge shall adjourn the hearing of such appeal, for a time sufficient to enable the clerk to notify all persons affected by postal card or letter of the date to which such hearing is adjourned, and the clerk shall so notify all persons interested, and unless they appear and show cause against the reduction of the assessment appealed against or the increase of their own, the court or judge may dispose of the matter of appeal in such manner as may be just, and the sum by which the assessment appealed against is reduced (if any) may be distributed *pro rata* over the assessments of its own class or otherwise so as to do justice to all parties. *See* 55 V. c. 42, s. 569 (15).

Notice of result of appeal.

40. The clerk shall by registered letter immediately after the close of the court, notify all appellants of the result of their appeal and also of the date of the closing of the court of revision. *New.*

Appeals from Court of Revision.

Appeal to county judge

41. An appeal from the court of revision shall lie to the senior, junior or acting judge of the county court of the county within which the municipality is situate, and not only against a decision of the court of revision, but also against the omission, neglect or refusal of said court to hear or decide an appeal. *See* 55 V. c. 48, s. 68 (1).

Time for giving notice of appeal.

42. The person appealing shall, in person or by solicitor or agent, file with the clerk of the municipality within ten days after the date of the closing of the court of revision, a written notice of his intention to appeal to the judge. *See* 55 V. c. 48, s. 68 (2).

Clerk to notify judge and judge to fix time and place

43. The clerk shall immediately after the time limited for filing appeals, forward a list of the same to the judge, who shall then notify the clerk of the day he appoints for the hearing thereof, and shall fix the place for holding such hearing at the town hall or other place of meeting of the council within the municipality, from the court of revision of which the appeal is made. *See* 55 V. c. 48, s. 68 (3).

Notice to persons appealed against.

44. The clerk shall thereupon give notice to all the parties appealed against, in the same manner as is provided for giving notice on a complaint to the court of revision, but in the event of failure by the clerk to have the required notice given, or to have the same given within proper time, the judge may direct notice to be given for some subsequent day upon which he may try the appeals. *See* 55 V. c. 48, s. 68 (4).

Time for giving judgment.

45. At the court so holden the judge shall hear the appeals, and may adjourn the hearing from time to time, but shall deliver judgment not later than 30 days after the hearing. *See* 55 V. c. 48, s. 68 (7).

Clerk of court

46. The clerk of the municipality shall be the clerk of such court, and shall record the proceedings thereof. *See* 55 V. c. 48, s. 68 (6).

Powers of judge on appeal.

47. In all proceedings before the county judge as aforesaid, he shall possess all such powers for compelling the attendance of and for the examination on oath of all parties, and all other persons whatsoever, and for the production of books, papers and documents, and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the division court or county court. *See* 55 V. c. 48 s. 70.

Fees and Costs of Appeals.

Apportionment of costs —enforcing payment.

48. The costs of any proceeding before the court of revision, or before the judge as aforesaid, shall be paid or apportioned between the parties, in such manner as the court or judge thinks fit, and the same shall be enforced when ordered by the court of revision by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the judge, by execution to be issued as the judge may direct, either from the county court or the division court within the county in which the municipality is situate. *See* 55 V. c. 48, s. 72.

What costs may be awarded—taxation of.

49. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, and the same (other than the fees of professional or expert witnesses who shall receive the fees allowed by law in other cases), are to be taxed according to the allowance in the division court for such costs, and in cases where execution issues, the costs thereof as in the like court and of enforcing the same may also be collected thereunder. *See* 55 V. c. 48, s. 73.

Fees and expenses of judge.

50. The county judge as aforesaid shall be entitled to receive from the municipality as his expenses for holding court in the municipality other than the county town, for the hearing of appeals from the court of revision the sum of five dollars per day and disbursements necessarily incurred. *See* 55 V. c. 48, s. 73*a*.

Decision to be final.

51. The decision of the county judge as aforesaid shall be final and conclusive. *See* 55 V. c. 48, s. 74.

Clerk to alter assessments conformably with result of appeals.

52. Any change in the assessment of the engineer or surveyor made by the court of revision or judge in appeal therefrom, shall be given effect to, by the clerk of the municipality altering the assessments and other parts of the schedule to comply therewith, and the by-law shall before the final passing thereof be amended to carry out any changes so made by the court of revision or judge. *See* 55 V. c. 42, s. 570 (2-3).

Issue of Debentures.

Debentures may include principal and interest in one sum.

53. Any municipal council issuing debentures under this Act, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this section, to the same amount with interest added. *See* 55 V. c. 42, s. 569 (2), cl. *a*.

Payment of assessment before debentures issue.

54. Any owner of lands or roads, including the municipality, assessed for the work, may pay the amount of the assessment against him or them, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionately reduced. *See* 55 V. c. 42, s. 569 (3), cl. *b*.

Informalities not to invalidate debentures.

55. No debentures issued or to be issued under any by-law for the construction or maintenence of any drainage work, shall be held to be invalid, on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums in the aggregate not exceeding the amount authorized by the by-law. 55 V. c. 42, s. 574.

When debentures to be valid and binding to extent of amount advanced.

56. Any debentures issued and sold to provide any sum of money for the construction or repairs of any drainage work, shall be good in the hands of the purchaser, and be binding upon the corporation issuing them, to the extent of the money actually advanced on the security, and interest thereon according to the provisions of same, provided no application to quash be made within six weeks from the final passing of the by-law authorizing the issue thereof, notwithstanding the by-law be afterwards quashed or declared illegal in any proceedings. *New.*

Work Not Extending Within Another Municipality.

Assessment of lands outside of area described in petition.

57. Where any drainage work does not extend into any adjoining municipality, any lands or roads below or above the limit of the area described in the petition, and in the municipality doing the work or any other municipality, or roads between two or more municipalities, are in the opinion of the engineer or surveyor benefited by such work or furnished with an improved outlet, or relieved from liability for causing water to flow upon and injure lands or roads, may be assessed for such proportion of the cost of the work as to the engineer or surveyor seems just. *See* 55 V. c. 42, s. 576.

Work on road allowance used as a town line.

58. When it is necessary to construct any drainage work on a road allowance used as a town or county line between two or more municipalities, the municipal council of either of

the adjoining municipalities may, on the petition of the majority of owners in the area therein described and within its own limits, cause a drainage work to be constructed on the allowance for road between the municipalities, and make the road as provided by section 10, and the engineer or surveyor shall charge the lands and roads benefited or otherwise liable for assessment in the adjoining municipality or municipalties, as well as the road allowance with such proportion of the cost of constructing the said work as he may deem just. *See* 55 V. c. 42, s. 596.

WORK EXTENDING WITHIN ANOTHER MUNICIPALITY.

Extension of work along road allowances and into another municipality.

59. Where it is necessary to continue any drainage work beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality, may continue the survey and levels on and along the road allowances between any two or more municipalities to a sufficient outlet, or from any such road allowance, into any municipality until he finds fall enough to discharge the water beyond the limits of the municipality doing the work, and in every such case, he may assess and charge the lands and roads affected by benefit, outlet or relief as aforesaid, with such proportion of the cost of the work as he may deem just. *See* 55 V. c. 42, s. 575.

Work to be continued to a sufficient outlet.

60. In all cases where drainage work extends into the limits of any municipality other than that initiating the work and terminates without reaching a sufficient outlet, it shall be the duty of the municipality in which the work so terminates to continue it to a sufficient outlet or until fall enough is found in another municipality to discharge the water beyond the limits of the municipality doing the work; the initiating municipality shall by resolution fix a time when the work in any municipality into which the drainage work may be so continued shall be commenced, and shall cause a certified copy of such resolution to be served on the reeve or other head of the municipality required to continue the work, and it shall be the duty of the municipality so served, to commence, carry on and complete the extension of the work as aforesaid. *New.*

Initiating municipality to fix time for commencing work.

Liability of municipality makinig default in doing the work.

61. If a municipality served with the resolution fails to proceed with and complete the work as aforesaid, within a reasonable time, and in consequence thereof damages are recovered against any other municipality or municipalities by reason of the insufficiency of the outlet, then and so often as this may occur, the municipality making default shall be liable to the municipality against which such damages and costs have been recovered for the full amount thereof; if, however, the work is for any reason abandoned or stopped in the initiating municipality, the same shall be liable for, and shall pay to to any municipality served with the resolution aforesaid, all costs incurred in respect to such proposed drainage work, from the time of said service until notice is given by the initiating municipality of the stopping of the work. *New.*

62. Where any drainage work extends into an adjoining municipality or municipalities, and the work done by any one of such municipalities benefits or provides an outlet for any lands or roads, or relieves any lands or roads from liability for causing water to flow upon and injure lands or roads within the boundary of such municipality, then the engineer or surveyor of the municipality so doing the work, may assess and charge all lands and roads, whether within or beyond the limits of such municipality, so affected by benefit, outlet or relief as aforesaid with such proportion of the cost of the work as he may deem just. *New.*

Assessment for benefit outlet and relief of lands in adjoining municipality.

SETTLING ASSESSMENTS BETWEEN MUNICIPALITIES.

63. The council of any municipality by which the drainage work is undertaken, shall serve the head of the municipality into which the same is to be continued, or whose lands or roads are to be benefited or otherwise liable for assessment without the drainage work extending into it, with a copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor ; and unless the same are appealed from as hereinafter provided, they shall be binding on the corporation so served. *See* 55 V. c. 42, s. 579.

Initiating municipality to serve other municipalities with report, plans, etc.

64. The council of the municipality so served, shall pass a by-law or by-laws to raise, and shall raise and shall also pay over to the treasurer of the municipality doing the work within four months from such service, the sum that may be named in the report as its proportion of the cost of such work, or in case of an appeal, the sum that may be determined by the referee, and such council shall hold the court of revision for the adjustment of assessments upon its own ratepayers in the manner hereinbefore provided. *See* 55 V. c. 42, s. 580.

Councils served to pass necessary by-laws.

65. The council of the municipality into which the work is to be continued, or whose lands or roads are to be rendered liable for assessment without the work being carried within its limits, may, within thirty days after the copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor is served upon the head of the council, appeal therefrom to the referee, by serving the head of the council from which they received the said copy, with a written notice of appeal setting forth therein the grounds of such appeal, and the respective councils shall have power to amend and shall amend any by-law to carry into effect the order of the referee made therein. *See* 55 V. c. 42, s. 581.

Notice of appeal to referee.

66. Any by-law, already passed or hereafter passed by the council of any municipality, for the construction of drainage work by assessment upon the lands and roads liable to contribute therefor, and acted upon by the construction of the work in whole or in part, which does not provide sufficient or

Amendment of by-law when assessment proves insufficient or more than sufficient.

provides more than sufficient funds for the completion of the work or the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council and further debentures issued under the amending by-law in order to fully carry out the intention of the original by-law, and in the event of a surplus the by-law shall be amended, and the money divided *pro rata* among the contributing municipalities and applied by the council of each municipality, *pro rata*, according to the assessment in payment of the rates imposed by it for the work, in each year after its completion until wholly paid out. *See* 55 V. c. 42, s. 573 (1)

Publication of amending by-laws.

67. It shall be in the discretion of the council whether the amending by-law shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the next preceding section, which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council *See* 55 V. c. 42, s. 573 (2).

MAINTENANCE OF DRAINAGE WORK.

Work not extending into another municipality—how maintained.

68. Any drainage work heretofore or hereafter constructed by a municipality which does not extend into another municipality, shall be maintained by the municipality that initiated the work of construction at the expense of the lands and roads in any way assessed therefor, and in proportion to their total assessment for construction, until varied by the report of an engineer or surveyor, or by the order of the referee as hereinafter provided. *See* 55 V. c. 42, s. 586.

Work heretofore constructed extending into other municipality—how maintained.

69. Any drainage work heretofore constructed by a county or other municipality which extends into another municipality or other municipalities, shall be maintained by each local municipality, from the point of commencement of the drainage work or from the centre of the road allowance or other boundary line across which the drainage work enters the municipality to the centre of the road allowance or other boundary line across which the drainage work leaves the municipality, or to the outlet, as the case may be, in the proportion of cost and at the expense of the lands and roads liable therefor as determined by the engineer or surveyor appointed by the municipality, or by the referee, until varied by the report of an engineer or surveyor or by the order of the referee, as hereinafter provided. *See* 55 V. c. 42, s. 583 (1), s. 584.

Work hereafter constructed extending into other municipality—how maintained.

70. When a drainage work hereafter constructed extends beyond the municipality commencing the work into another municipality or other municipalities, each municipality shall be responsible for the maintenance of the portion constructed by it, and shall be liable for the cost thereof assessed against lands and roads in the proportion determined by the engineer or surveyor or referee with respect to the cost of construction,

until such proportion is varied by the report of an engineer or surveyor or by the order of the referee as hereinafter provided. *See* 55 V. c. 42, s. 583 (1).

Varying assessment.

71. The council of any municipality may from time to time as the drainage work requires repairs vary any assessment on the report and assessment of an engineer or surveyor appointed by them to examine and report on the maintenance of the work for which their municipality is liable as aforesaid and on the liability to contribute of lands and roads not assessed for construction and which have become liable for assessment under this Act, subject to the right of appeal hereinbefore given to any owner or municipality on assessment for construction, and the said council, and each of the councils of the municipalities affected by such report and assessment shall appoint a court of revision for the trial of any appeals in the manner hereinbefore provided. *See* 55 V. c. 42, s. 583 (1). s. 586 (3).

Power to compel repairs by mandamus.

72. Any municipality neglecting or refusing to maintain any drainage work as aforesaid, upon reasonable notice in writing from any person or municipality interested therein and who or whose property is injuriously affected by the condition of the drainage work, shall be compellable by mandamus issued by the referee or other court of competent jurisdiction to maintain the work, and shall also be liable in pecuniary damages to such person or municipality from and after the receipt of such notice for the injury to him or them or his or their property caused by the failure to maintain the drainage work.

Proviso.

(*a*) Provided nevertheless, that any municipality, after receiving such notice, may, within fourteen days thereafter, apply to the referee or the judge of the county court of the county within which the municipality is situate to set aside the notice; such application may be made upon four days' notice to the party or parties who gave the notice to the municipality, and the referee or judge shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm or set aside the notice, as to him shall seem proper, or order that the said work of maintenance shall be done wholly or in part, and the costs of and concerning the said motion shall be in the discretion of the referee or judge, except as hereinafter mentioned, and may be taxed upon the county or division court scale, as the referee or judge may direct.

Giving notice to repair maliciously.

(*b*) Should the referee or judge find that the notice to the municipality was given maliciously or vexatiously, or without any just cause, or to remove an obstruction which under this Act it was the duty of the party giving the notice to remove,

he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the party giving such notice.

Costs to be paid out of general funds.

(*c*) Any costs which the municipality may be called upon to pay, by reason of any proceedings in these clauses mentioned, shall be paid out of its general funds.

Appeal to court of appeal.

(*d*) Any party to such proceedings may, except on a question of costs, appeal to the Court of Appeal for Ontario from the decision or judgment of the judge upon the application, and the proceedings in and about such appeal shall be the same as nearly as may be, as upon an appeal from the decision or judgment of a judge of the county court under *The County Courts' Act*, and from the decision or judgment of the referee as is hereinafter provided.

Powers of court on appeal.

(*e*) Upon any such appeal the court may determine whether a mandamus shall issue or otherwise, and may make such order as may seem just.

Thirty days' notice to be given.

(*f*) A mandamus against the municipality shall not, in any case, be moved for until after the lapse of thirty days from the date of the service of the notice upon the municipality. *See* 55 V. c. 42, s 583 (2).

Repairing without Report.

Deepening, widening, or extending without report of engineer.

73. The council of any municipality, whose duty it is to maintain any drainage work, may without the report of an engineer or surveyor upon a *pro rata* assessment on the lands and roads as last assessed for the construction or repair of the drainage work, deepen, widen or extend the same to an outlet, provided the cost of such deepening, widening and extending is not above one-fifth the cost of the construction, and in no case exceeds $400. *See* 55 V. c. 42, s. 583 (3), s. 586 (4).

Repairing upon Report.

Repairing upon examination and report by engineer.

74. Wherever, for the better maintainence of any drainage work constructed under the provisions of this Act, or any Act respecting drainage, or to prevent damage to any lands or roads, it shall be deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or otherwise improve, extend, or alter the work, or to cover the whole or any part of it, the council of the municipality or of any of the municipalities whose duty it is to maintain the said drainage work, may, without the petition, but on the report of an engineer or surveyor appointed by

them to examine and report on the same, undertake and complete the change of course, new outlet, improvement, extension, alteration or covering specified in the report, and the engineer or surveyor shall for such change of course, new outlet, improvement, extension, alteration or covering, have all the powers to assess and charge lands and roads in any way liable for assessment under this Act, subject to appeal to the court of revision, county judge or referee, as the case may be. *See* 55 V. c. 42, s. 585.

REPAIRING WORK CONSTRUCTED OUT OF GENERAL FUNDS.

Assessment for repair of work constructed out of general funds.

75. Any drainage work already or hereafter constructed out of the general funds of any municipality, or out of the general funds of two or more municipalities need not be repaired out of such general funds, but the council of any of the contributing municipalities may, without petition, on the report of an engineer or surveyor, pass a by-law for maintaining the same at the expense of the lands and roads assessable for such work, and may assess the lands and roads in any way liable for assessment under this Act, for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as is provided with regard to any drainage work constructed under the provisions of this Act. *See* 55 V. c. 42, s. 586 (2).

PAYING BACK ADVANCES.

Repayment of advances from general funds on receipt of assessments.

76. Any moneys which have been or may hereafter be advanced by the council of any municipality out of its general funds for the purpose of any drainage work, in anticipation of the levies and collections therefor, shall be repaid into the general funds of the municipality as soon as the moneys, first derived from the assessment shall be collected. *See* 55 V. c, 42, s. 586 (5).

MINOR REPAIRS.

Person responsible for obstruction to remove same on notice.

77.—(1) Any drainage work, already or hereafter constructed, becoming obstructed by dams, low bridges, fences, washing out of private drains, or other obstructions, for which the land adjoining the drainage work or the owner or person in possession thereof is responsible, so that the free flow of the water is impeded thereby, the person or persons owning or occupying the land shall, upon reasonable notice in writing by the council or an inspector appointed by the council for the inspection and care of drains, remove such obstructions in any manner caused as aforesaid, and if not so removed within the time specified in the notice, the council or the said inspector, shall, forthwith cause the same to be removed.

Inspector of drains.

(2) The council may, by by-law, appoint an inspector for the purposes mentioned in the preceding sub-section, and shall in the by-law regulate the fees or other remuneration to be received by him.

Collection of cost of removal by municipality.

(3) If the cost of removing such obstruction is not paid by the owner or occupant of the lands liable, to the municipality forthwith after the completion of the work, the council may pay the same, and the clerk of the municipality shall place such amount upon the collector's roll against the lands liable, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the owner or occupant, in respect of the cost of the work, to the judge of the county court of the county in which the lands are situate. *See* 55 V. c. 42, s. 588 (2).

CUTTING EMBANKMENTS, BANKS, ETC.

Penalty for injury to embankments, etc.

78. Any person who shall obstruct, fill up or injure any drainage work, or destroy, cut or injure any embankment of any pumping works, or of any other drainage work, shall, in addition to his liability in civil damages therefor, upon the complaint of the council of the municipality or of any person affected by such obstructing, filling up, destroying, cutting, or injuring, be liable upon summary conviction thereof, before a justice of the peace, to a fine of not less than $1 nor more than $50. *See* 55 V. c. 42, s. 588 (3).

REMOVING ARTIFICIAL OBSTRUCTIONS.

Removal of dams, etc., on construction of work.

79. Wherever, in the construction of any drainage work any dam or other artificial obstruction exists in the course of or below the work, and is situate wholly within the municipality doing the work, the council shall have power, with the consent of the owner thereof and of the council or councils of the other municipalities liable to assessment for the cost of the work, and upon payment of such purchase money as may be mutually agreed upon, or in default of agreement be determined by the referee, to remove the same wholly or in part; and any amount so paid or payable as purchase money shall be deemed part of the cost of construction and be provided for in the assessment by the engineer or surveyor. *See* 55 V. c. 42, s. 569 (18-19).

OPERATING PUMPING WORKS.

Appointment of commissioners for pumping works, etc.

80. For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing one or more commissioners from among those whose lands are assessed for construction, who shall have power to enter into all necessary and proper contracts for the

purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work, as may be set forth in the by-law appointing them; and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable for assessment under the provisions of this Act. *See* 55 V. c. 42, s. 569, (9-17).

Assuming pumping works, etc. constructed by private persons.

81. Upon the petition of two-thirds of the persons interested in any drainage work constructed by embanking, pumping or other mechanical operations, and not constructed by the municipality, the council of the municipality in which the work is situate may assume the work and maintain and operate the same, in the same manner and to the same extent as if the said drainage work had been constructed under the provisions of this Act. *New.*

Debentures for Maintenace.

Powers to issue debentures for cost of maintenance.

82. Where the maintenance of any drainage work is so expensive that the municipal council responsible therefor deems it inexpedient to levy the cost thereof in one year, the said council may pass a by-law to borrow, upon the debentures of the municipality, payable within five years from the date thereof, the amount necessary for the work, and shall assess, and levy upon the lands and roads liable therefor a special rate sufficient for the payment of the debentures as they mature. The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of any such by-law, which has before its final passing been published or the ratepayers notified in manner provided by this Act or has, after its passing been promulgated as required by section 329 of *The Consolidated Municipal Act, 1892. See* 55 V. c. 42, s. 589 (1).

Rev. Stat., c. 37.

Assessing for Maintenance.

Engineer may assess additional lands for maintenance.

83. The engineer or surveyor employed to report upon the maintenance of any drainage work wholly or in part, shall assess and charge all lands and roads liable under this Act for benefit, outlet and injuring liability respectively, which have not previously been assessed for construction or maintenance as well as the lands and roads previously assessed subject to appeal as hereinbefore provided. *New.*

Making Award Drains Municipal.

Power to bring claims constructed by under Rev. Stat., 220, within this Act.

84. Upon a petition presented to the council of any municipality as provided for in section 3 of this Act, having within the area described therein any drain constructed under *The Ditches and Watercourses Act* or any other Act providing for

assessment in work, signed by a majority of the owners interested in such ditch or drain, the said council may assume the same and proceed thereon in the same manner and to the same extent as for the construction of any drainage work under the provisions of this Act, and the filing of the petition with the clerk of the municipality shall in every such case be a bar to any further proceedings upon the award or the provisions of the Act upon which such award is based. *New.*

REPAIRING GOVERNMENT DRAINS, ETC.

Application of certain sections to drains constructed under Rev. Stat., c. 36, 36 V. c. 38, Rev. Stat. c. 184.

85. The provisions of sections 11, 68, 69, 73, 74 and 77 of this Act shall apply and extend to drainage work constructed under the provisions of *The Ontario Drainage Act* and amendments thereto, *The Ontario Drainage Act of 1873*, and *The Municipal Act* and amendments thereto. *See* 55 V. c. 42, s. 587.

COST OF REFERENCE AND INCIDENTAL EXPENSES.

Certain expenses to be deemed part of the cost of the work.

86. The cost of any reference had in connection with the construction or maintenance of any drainage work, the cost of the publication or service of by-laws, and all other expenses incidental to the construction or maintenance of the work and the passing of the by-laws, shall be deemed part of the cost of such work, and included in the amount to be raised by local rate on the lands and roads of the municipality liable therefor. *See* 55 V. c. 42, s. 569 (3) cl. a.

LANDLORD AND TENANT.

Tenants covenant to pay taxes when to include drainage assessments.

87. Any agreement on the part of any tenant to pay the rates or taxes of the demised lands, shall not include the charges and assessments for any drainage work then constructed, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect to drainage work already constructed at the date of such agreement; but in cases of contracts to purchase or of leases giving the lessee an option to purchase, the said charges and assessments for drainage work in connection with which proceedings were commenced under this Act, after the date of the contract or lease, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase. *See* 55 V. c. 42, s. 569 (3) cl. c.

DRAINAGE TRIALS.

Appointment of referee.

88.—(1) The Lieutenant-Governor in Council may from time to time appoint a referee for the purpose of the drainage laws, that is to say, *The Ontario Drainage Act*, the provisions of this Act and all other Acts and parts of Acts on the same subject, for which this Act is substituted. *See* 54 V., c. 51, s. 2 (1).

(2) Such referee shall be deemed to be an officer of the High Court. 54 V. c. 51, s. 2 (2). To be deemed an officer of high court.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario. 54 V. c 51, s. 2 (3). To be a barrister of ten years' standing.

(4) He shall hold office by the same tenure as an official referee under *The Judicature Act*. *See* 54 V. c. 51, s. 2 (4) Tenure of office.

(5) He shall not practice as a solicitor or barrister or act in any capacity as a legal agent or adviser. 55 V. c. 57, s. 8. Not to practice as a barrister.

(6) He shall be paid a salary of a year, to be paid monthly, and reasonable travelling expenses. *See* 54 V. c. 51, s. 24 (8). Salary.

POWERS OF THE REFEREE.

89.—(1) The referee shall have the powers of an official referee under *The Judicature Act* and of arbitrators under the said former drainage enactments, and the referee is hereby substituted for such arbitrators. *See* 54 V. c. 51, s. 2 (4, 5). Referee to have powers of an official referee under Rev. Stat., c. 44.

(2) In respect to all proceedings before him or coming before him under the provisions of this Act, he shall have the powers of a judge of the High Court of Justice, including the production of books and papers, the amendment of notice of appeal, and of notices for compensation or damages, and of all other notices and proceedings; he may correct errors, or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers, surveyors or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do complete justice between the parties; he may also grant an injunction or a mandamus in any matter before him under this Act. *See* 54 V. c. 51, s. 2 (6, 7). Powers as to compelling production amending notices, etc. Granting a mandamus or injunction.

(3) The referee shall have power, subject to appeal as hereinafter provided, to determine the validity of all petitions, resolutions, reports, provisional or other by-laws, whether objections thereto have been stated as grounds of appeal to him or not, and to amend and correct any provisional by-law in question; and, with the engineer's consent and upon evidence given, to amend the report in such manner as may be deemed just, and upon such terms as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a county judge. *See* 54 V. c. 51, s. 3 *amended by* 55 V. c. 57, s. 1. Power to determine validity of proceedings and amend report.

90. All interlocutory and other applications for any of the purposes mentioned in sub-sections (1) and (2) of the last preceding section shall be made to the referee and his order thereon shall be subject to appeal where the decision of a judge of the High Court would in a like case be subject to appeal. *See* 54 V. c. 51, s. 2 (8). Interlocutory applications, appeals from referee therein.

Appeals from Assessment.

Notice of appeal from assessment.

91. A copy of the notice of appeal by any municipality from the report and assessment of an engineer or surveyor with an affidavit of service thereof shall within the time limited by this Act for the service of same be filed in the office of the clerk of the county court of the county or union of counties in which the drainage work commenced. *See* 55 V. c 57, s. 3.

Amendment of by-law to carry out decision of referee.

92. The by-law of the initiating municipality and of any other municipalities interested shall be amended so as to incorporate and carry into effect the decision or report of the referee or such decision or report as varied on appeal, as the case may be. *See* 54 V. c. 51, s. 8.

Damages, Compensation, etc.

Reference of claims for damages, etc., to referee.

93.—(1) In case a dispute arises between municipalities or between a company and a municipality, or between individuals and a municipality or company, or between individuals as to damages alleged to have been done to the property of the municipality company or individual, in the construction of drainage works or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said referee, who shall hear and determine the same and give in writing his award and decision and his reasons therefor. 54 V. c. 51, s. 9.

(2) Proceedings for the determination of claims, matters and disputes and for the recovery of damages which any of the said drainage enactments provide for referring to arbitration, other than an appeal from the report of an engineer, shall be instituted by serving a notice claiming damages or compensation or a mandamus or injunction as the case may be, upon the other party or parties concerned, and such notice shall state the ground of such claim. *See* 54 V. c. 51, s. 5 *amended by* 56 V. c. 57, s. 2.

(3) A copy of such notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county or union of counties in which the lands in question are situate, and such notice shall be filed and served within one year from the time the cause of complaint arose. *See* 55 V. c. 57, s. 2.

Actions for Damages.

Courts may refer actions for damages, etc., to referee.

94. Where an action for damages is brought and in the opinion of the court in which the action is brought or a judge thereof the proper proceeding is under this Act or that the action may be more conveniently tried before and disposed of by the referee, the court or judge may on the application of either party or otherwise and at any stage of the action, make an order transferring it to the referee and on such terms as the court or judge deems just, and the referee shall

thereafter give directions for the continuance of the action before him and subject to the order of transfer, all costs shall be in his discretion, and should no application or order be made as aforesaid the court or judge shall have jurisdiction to try the action subject to appeal, and such jurisdiction shall include all the relief within the powers herein given to the referee as well as those of the High Court. *See* 54 V. c. 51, ss. 11, 19.

Proceeding with Reference.

Referee to direct procedure.

95.—(1) The referee at any time after an appeal or reference is made to him as hereinbefore provided, may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to either or any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but the hearing shall be in the county or one of the counties in which the drainage work or proposed drainage work is situate. *See* 54 V. c. 51, s. 12.

Clerk of court.

(2) The clerk of the county court shall be the clerk of the court of the referee, and shall take charge of and file all the exhibits and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court; which fees shall be paid in money and not by stamps. *See* 55 V. c. 57, s. 4.

Referee's clerk.

(3) In the absence of the clerk of the county court the referee may appoint the referee's clerk or some other person to act as deputy clerk of the county court for the purpose of the trial and for taking charge of and filing all exhibits, and such person so appointed shall have all the power while so acting, and shall be entitled to the same fees as the clerk of the county court would if personally present. *See* 55 V. c. 57, s. 4.

Subpœnas.

(4) County court subpœnas for the attendance of witnesses at the hearing, tested in the name of the referee may be issued by the clerk of the county court of the county or union of counties in which the case is to be heard. *New.*

When referee proceeds on view or special knowledge.

96. When the referee proceeds partly on view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to allow the Court of Appeal to form a judgment of the weight which should be given thereto, and he shall state as part of his reasons the effect by him given to such statement. *See* 54 V. c. 51, s. 13

Assessing and levying damages and costs.

97. All damages and costs arising from proceedings taken under this Act, shall be charged, levied and collected as follows:—when the drainage work is completed according to the report, plans and specifications of the engineer or surveyor and damages and costs are recovered against the municipality, or an amicable settlement of the claim is advised by counsel and

carried out; or where an unsuccessful application is made to quash the by-law for the drainage work, all such damages and costs as are assessed and taxed against the municipality, and the costs of the municipality as between solicitor and client, shall be charged *pro rata* upon the lands and roads according to the assessment thereof by such municipality for construction or repairs; when the claim is established on the ground of non-completion or want of repair or an amicable settlement is in either case advised by counsel and carried out, or an application to quash the by-law is made and is successful, then and in every such case the damages and costs assessed and taxed against the municipality, and the costs of the municipality as between solicitor and client, shall be charged to the municipality and paid out of its general funds. Any case not above or otherwise provided for shall be in the discretion of the judge or referee. *See* 55 V. c. 42, s. 592.

Shorthand writer.

98. A shorthand writer may from time to time be appointed by the Lieutenant-Governor in Council to report hearings or trials before the referee, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act. *See* 54 V. c. 51, s. 14.

Clerk of court to forward report, etc., to parties.

99. The decision or report of the referee on appeals from assessment or for damages or compensation under section 93 with the evidence, exhibits, the statement (if any), of inspection or technical knowledge and the reason for his decision shall be filed in the office aforesaid, and notice of the filing shall forthwith be given by the clerk by post or otherwise to the solicitors of the parties appearing by solicitor, and to other parties not represented by a solicitor, and also the clerk of the municipality or other corporation. *See* 54 V. c. 51, s. 15 *amended by* 55 V. c. 57, s. 5.

Report to be sent to clerk of each municipality interested.

100. A copy of the decision or report certified by the referee or clerk aforesaid, shall be sent or delivered to the clerk of every municipality interested in the drainage work in question upon receipt of the sum chargeable therefor, as hereinbefore provided and shall be kept on file as a public document of the municipality. *See* 54 V. c. 51, s. 16.

Appeal.

Decision to be in form of order for judgment.

101. The decision of the referee in all cases other than appeals from assessment or for damages or compensation under section 93 of this Act, shall be in the form of an order for judgment and may be delivered as are decisions by the judges of the Supreme Court of Judicature, and need not be in the form of a report, and unless appealed from to the Court of Appeal, as herein provided, judgment may be entered in the proper office without any further or other application or order. *See* 55 V. c. 57, s. 6 (2).

Use of court house.

102. When an appointment is given by the referee for the hearing of any matter of reference under this Act in any city, town or place wherein a court house is situated, he shall have in all respects the same authority as a judge of the High Court in regard to the use of the court house, or other place or apartments set apart in the county for the administration of justice. *See* 54 V. c. 51, s. 20.

Sheriffs, etc., to assist referee—fees therefor.

103. Sheriffs, deputy-sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes, and upon the certificate of the said referee. *See* 54 V. c. 51, s. 21, *amended by* 55 V. c. 57, s. 7.

Rules and practice.

104. Except as this Act otherwise provides and subject to the provisions thereof the rules and practice for the time being of the High Court of Justice are to be followed so far as the same are applicable. 54 V. c. 51, s. 22.

Evidence need not be filed except in certain cases.

105. In cases of reference to the referee other than appeals from assessment, or for damages or compensation under section 93, of this Act, or under section 101 or 102 of *The Judicature Act* the evidence need not be filed, and shall only be written out at length by the shorthand writer if required by the referee or by the parties to the reference or one of them, and if required by the parties to the reference or one of them, copies shall be furnished upon such terms as shall be fixed by Order in Council. *See* 55 V. c. 57, s. 6 (1).

Time for appealing to Court of Appeal.

106. The decision or report of the referee, on any appeal or reference under this Act, or on a reference under sections 101 or 102 of *The Judicature Act* or in any action or suit or proceeding transferred to him under this Act shall be binding and conclusive upon all parties thereto unless appealed from, within one month after the filing thereof, to the Court of Appeal. The decision or report may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the High Court. *See* 54 V. c. 51, s. 17.

Rules and Tariff of Costs.

Judges of Supreme Court may make rules.

107. The judges of the Supreme Court shall have the same authority for making general rules and orders with respect to proceedings before the referee and appeals therefrom as they have with respect to *The Judicature Act* and sections 105 to 108 of *The Judicature Act* shall apply thereto. 54 V. c. 51, s. 23.

Referee may make rules.

108—(1) Subject to any such general rules or orders, the referee shall have power with the approval of the Lieutenant-

Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees to be paid. 54 V. c. 51, s. 24 (1).

(2) Such rules and tariffs, whether made by the judges or the referee, shall be published in the *Ontario Gazette* and shall thereupon have the force of law; and the same shall be said before the Legislative Assembly at its next session after promulgation thereof. 54 V. c. 51, s. 24 (2).

Tariff of county court adopted until rules made.

109. Until other provisions are made under the last two preceding sections the tariff of the county court shall be the tariff of proceedings for solicitors and officers under this Act, and the referee shall have the powers of a county judge with respect to counsel fees, and may also allow further counsel fees in case of a trial occupying more days than one. *See* 54 V. c. 51, s. 24 (3).

Taxation of costs.

110. Costs are to be taxed by the referee; or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed, or by any taxing officer of the High Court. *See* 54 V. c. 51, s. 24 (4).

Fees, how payable.

111. Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in the said courts respectively, until other provision is made in that behalf by competent authority. 54 V. c. 51, s. 24 (5).

Referee's fees.

112. To provide a fund for or towards the payment of the referee's salary and other expenses, there shall be further payable a sum to be determined by the referee and mentioned in his decision or report or in a subsequent report, the same not to exceed the rate of ten dollars a day for every full day the trial may occupy, and to be paid in stamps, and the said sum shall be paid by one or the other of the parties, or distributed between or among the parties as the referee directs. *See* 54 V. c. 51, s. 24 (6).

Reports not to go out until stamped.

113. Reports shall not be given out until stamped with the necessary stamps. 54 V. c. 51, s. 24 (7).

REPEALING CLAUSE.—COMMENCEMENT OF ACT.

Act substituted for 55 V. c. 42, ss. 568*a*-611; 54 V. c. 57 and 55 V. c. 57.

114. The provisions of this Act are substituted for sections 568*a* to 611, both inclusive, of *The Consolidated Municipal Act, 1892*, and for *The Drainage Trials Act, 1891* and the Act in amendment thereof, passed in the 55th year of Her Majesty's reign and chaptered 57, and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Commencement of Act.

115. This Act shall take effect, on, from and after the first day of July, 1893.

No. 169.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to consolidate and amend the Drainage Laws

First Reading, 8th May, 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 170.] **BILL.** [1893.

An Act to Provide for the Weekly Payment of Wages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Wages to be paid weekly by corporations.

1. Every incorporated manufacturing, mining or quarrying, mercantile, street railway, telegraph and telephone company, every incorporated express, cartage, cab or omnibus company and water, gas and electric light company, shall pay weekly each and every employee engaged in its business the wages earned by such employee to within six days of the date of the said payment, and every incorporated city shall so pay every employee engaged in its business, unless such employee shall request in writing to be paid in some different manner; and every municipal corporation not a city, and every incorporated county shall so pay every employee engaged in its business if so required by him: Provided, however, that if at any time of payment any employee shall be absent from his regular place of labor he shall be entitled to said payment at any time thereafter upon demand. The provisions of this section shall not apply to any employee of a co-operative corporation or association who is a stockholder therein unless such employee shall request such corporation to pay him weekly.

Proviso.

Co-operative associations.

Penalty for violation of Act by corporation.

2.—(1) Any corporation failing to comply with the provisions of this Act shall be liable to a penalty not exceeding $50 and not less than $10, in the discretion of the court or judge, to be recoverable in any court of competent jurisdiction at the suit any person aggrieved by such default or of the chief police officer of any city, town or incorporated village or the chief constable of any county or any of the factory inspectors of the Province, after two weeks' prior written notice shall have been given to the corporation that such action will be brought if the default is continued after the expiration of the time limited therein.

What defence in default may be set up.

(2) On the trial of the action for the recovery of such penalty the corporation shall not be allowed to set up any defence for a failure to pay weekly any employee engaged in its business the wages earned by such employee to within six days of the date of said payment other than the attachment of such wages by garnishee process or a valid assignment thereof or a valid set-off against the same or the absence of such employee from his regular place of labor at the time of payment or an actual tender to

such employee at the time of payment of wages so earned by him. No assignment of future wages payable weekly under the provisions of this Act shall be valid if made to the corporation from whom such wages are to become due, or to any person on behalf of such corporation or if made or procured to be made to any person for the purpose of relieving such corporation from the obligation to pay weekly under the provisions of this Act.

(Acts of 1886, chap. 87 as amended by chap. 399 of Acts of 1887 of the State of Massachusetts.)

No. 170.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to provide for the Weekly Payment of Wages.

First Reading, 11th May, 1893.

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 171.] BILL. 1893

An Act to amend The Land Titles Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 6 of the Act passed in the 52nd year of Her Majesty's reign chaptered 20 is repealed and the following substituted therefor:— 52 V., c. 20, s. 6 repealed.

"Every person who under *The Land Titles Act*, deposits with the master or local master a plan or map of any survey or sub-division of land made by such person for the purpose of selling or conveying the same in lots, or of any alteration of a previous survey or division, shall at the same time deposit with said master or local master a duplicate of such plan or map, and the master or local master shall endorse thereon a certificate showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the master or local master to the treasurer, or assessment commissioner of the local municipality in which said land is situate, upon request and without any fee being chargeable in respect thereof; and the master or local master of titles shall not file or register any plan or map unless and until a duplicate thereof is deposited in accordance with the provisions hereof." Delivery of plans to municipal treasurers.

No. 171.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Land Titles Act.

First Reading, 12th May, 1893.

Mr. GILMOUR.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 172.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V. c. 42, s. 77, amended.

1. Section 77 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sub-section:—

Exemption from taxation not to disqualify for election to councils.

(3) Provided that no person shall be held to be disqualified from being elected a member of the council of any municipal corporation who may have a portion of his property exempt from taxation; provided always, that such person is assessed for sufficient property in the municipality, liable to taxation, to qualify him for such office, and no such person shall vote on any question affecting such property exempt from taxation.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th May, 1893.

Mr. KERNS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 173.] BILL. [1893.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 88 of *The Registry Act* and section 88*a* of the said Act, as enacted by section 1, chapter 21, of the Acts passed in the 55th year of Her Majesty's reign, are repealed and the following substituted therefor:— Rev. Stat. c. 115, s. 88, and 55 V. c. 2, repealed.

88. Every person who is required to lodge with the registrar a plan or map of any survey or sub-division of land in any municipality shall at the same time deposit with the said registrar a duplicate of such plan or map and the registrar shall endorse thereon a certificate shewing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall upon request and without any fee being chargeable in respect thereof, be delivered by the registrar to the treasurer or assessment commissioner of the local municipality in which such land is situate. The registrar shall not register any such plan or map unless and until a duplicate thereof is deposited in accordance with the provisions hereof. Delivery of plans to municipal treasurers.

No. 173.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Registry Act.

First Reading, 12th May, 1893.

Mr. GILMOUR.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 174.] BILL. [1893.

An Act to amend the Assessment Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 4 of section 14 of *The Consolidated Assessment Act, 1892,* is amended by adding at the end thereof the words "and shall notify such person that his or her name has been so placed on the assessment roll within fourteen days from the date of entry." 55 V. c. 48, s. 14, sub-s. 4, amended.

2. Section 52 of the said Act is amended by adding at the end of sub-section 1 thereof the following words "and the council may also adopt such assessment for an additional year or years, not exceeding five, and the taxation based upon such assessment shall be as valid as though it were made in the year immediately preceding the one in which the collector's roll is made up." 55 V. c. 48, s. 52, sub-s. 1, amended.

3. The said section 52 is further amended by striking out the word "July" in the seventh line thereof, and inserting the word "February" in lieu thereof. 55 V. c. 48, s. 52, amended.

4. Section 14c of the said Act is amended by inserting the words "except a city containing over 60,000 inhabitants" after the word "municipality" in the first line thereof. 55 V. c. 48, s. 14c, amended.

No. 174.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Assessment Act.

First Reading, 12th May, 1893.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 175.] **BILL.** [1893.

An Act respecting Agricultural Societies in Nipissing, Parry Sound and Manitoulin.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agricultural societies for district of Nipissing.

1. An agricultural society may be organized in and for that portion of the electoral district of Nipissing comprising the townships of Cameron, Papineau, Calvin, Bonfield, Ferris, Chisholm, Boulter and Lauder, and the townships in the said district lying to the north of the River Mattawa and to the east of the easterly boundary line of the townships of Widdifield, Mulock, Hart and Garrow, and the said boundary line continued north to the Ottawa River, and an agricultural society may be organized in and for the remaining portion of the said electoral district.

Agricultural societies for Parry Sound.

2. An agricultural society may be organized in and for that portion of the electoral district of Parry Sound lying to the west of the westerly boundary lines of the townships of McMurrich, Ryerson, Chapman, Lount, Pringle and Patterson, and an agricultural society may also be organized in and for the portion of the said electoral district lying to the east of the said boundary lines.

Agricultural society for Manitoulin.

3. An agricultural society may be organized in and for the district of Manitoulin.

Provisions respecting electoral district societies to apply.

Rev. Stat. c. 39.

4. All agricultural societies organized under this Act may be constituted in the same manner and shall be subject to the same provisions, and shall possess the same powers and privileges as electoral district agricultural societies, and all the provisions of *The Agriculture and Arts Act* respecting electoral district agricultural societies shall apply to such societies.

No. 175.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act Respecting Agricultural Societies in Nipissing, Parry Sound and Manitoulin.

First Reading, 12th May, 1893.

Mr. SHARPE.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 176.] BILL. [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 2 of section 436 of *The Consolidated Municipal Act, 1892*, is repealed and the following substituted therefor:— 55 V. c. 42, s. 436, sub-s. 2, repealed.

(2) The board of commissioners of police, and the council of any city in which there is no board of commissioners of police, may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable or boarding stable in which horses are boarded and not kept for hire, shall be established or maintained.

(2*a*) The board of commissioners of police, or the council of any city in which there is no board of commissioners of police, may pass by-laws defining areas or districts and localities in the city within the limits of which no stable shall hereafter be established in which horses are to be kept for hire or express purposes.

2. Section 255 of the said Act is amended by striking out all the words therein down to and including the word "commissioner" in the fifth line thereof, and by inserting in lieu thereof the following words :—"In cities and towns the council, instead of appointing assessors, under the preceding section, may appoint one or more assessment commissioners, who shall nominate such assessors and valuators as he or they may consider necessary, and thereupon the said council may appoint such assessors and valuators, and the said commissioner or commissioners." 55 V. c. 42, s. 255, amended.

No. 176.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th May, 1893.

Mr. RYERSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 177.] BILL. [1893.

The Consolidated Short Form Mortgage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Effect of use of short forms contained in schedule 2.

1. When a mortgage of property, either freehold or leasehold in Ontario, made according to the form set forth in the first schedule of this Act, or any other mortgage expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms of words contained in column one of the second schedule of this Act and distinguished by any number therein, such mortgage shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the said second schedule, and distinguished by the same number as is annexed to the form of words used in such mortgage ; but it shall not be necessary in any such mortgage to insert any such number. (R. S. O., Cap. 107, sec. 2.)

Mortgages not taking effect under Act how far valid.

2. Any such mortgage, or part of such mortgage which fails to take effect by virtue of this Act shall nevertheless be as effectual to bind the parties thereto as if this Act had not been passed. (*Ib.* sec. 3.)

Mortgage to include houses, etc., and the reversion and all the estate, etc., of the grantor.

3. Every such mortgage unless an exception be specially made therein, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, under woods, mounds, hedges, fences, ditches, ways, waters, watercourses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, fixtures (actual or constructive) and appurtenances whatsoever to the lands therein comprised belonging, or in any wise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion and reversions, remainder or remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof ; and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, term or terms of years, claim and demand whatsoever of the grantor,

or assignor in, to, out of, or upon the same lands and every part and parcel thereof; with their and every of their appurtenances subject always to the reservations, limitations, provisos and conditions, contained in the grant of such lands from the Crown. (*Ib.* sec. 4.)

Interpretation of the words "lands" and "party."

4. In the construction of this Act and schedules thereto, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold and leasehold tenements and hereditaments whether corporeal or incorporeal, or any undivided part or share therein respectively; and the word "party" shall mean and include any body politic, corporate, or collegiate, as well as an individual. (*Ib.* sec. 1.)

Taxation of bills for drawing mortgages.

5. In taxing any bill for preparing and executing any mortgage under this Act, the taxing officer in estimating the proper sum to be charged therefor, shall consider not the length of such mortgage, but the skill and labour employed, and responsibility incurred in the preparation thereof

Schedules to be part of Act.

6. The schedules hereto and the directions and forms therein contained, shall be deemed parts of this Act.

Implied covenants of mortgages.

7. There shall in the several cases in this section mentioned be deemed to be included, and there shall in those several cases by virtue of this Act be implied, covenants to the effect in this section stated, by the person, or by each person who conveys by way of mortgage as far as regards the subject matter, or share of subject matter expressed to be conveyed by him with the mortgagee or mortgagees to which the conveyance is made, that is to say:—

Covenants in mortgages by beneficiary.

In a conveyance by way of mortgage, the following covenants by the person who is expressed to convey as beneficiary owner (namely:—

(*a*) For payment of the mortgage money and interest and observance in other respects of the proviso in the mortgage;

(*b*) Good Title;

(*c*) Right to convey;

(*d*) That, on default the mortgagee shall have quiet possession of the land;

(*e*) Free from all incumbrances;

(*f*) That the mortgagor will execute such further assurances of the said lands as may be requisite; and

(*g*) That the mortgagor has done no Act to incumber the land mortgaged;

according to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in schedule B to the *Act respecting Short Forms of Mortgages.* Rev. Stat. c. 107.

Covenants in mortgages of leaseholds.

(2) In a conveyance by way of mortgage of leasehold property, the following further covenants by the person who is expressed to convey as beneficial owner (namely) :

(*a*) That the lease or grant creating the term, or estate for which the land is held, is, at the time of conveyance a good, valid and effectual lease, or grant of the land conveyed, and is in full force unforfeited, and unsurrendered and in nowise become void, or avoidable, and that all the rents reserved by and all the covenants, conditions and agreements contained in the lease, or grant and on the part of the lessee, or grantee and the persons deriving title under him to be paid, observed and performed, have been paid, observed and performed, up to the time of conveyance ;

(*b*) And also that the person so conveying, or the persons deriving title under him will at all times as long as any money remains on the security of the conveyance, pay, observe and perform, or cause to be paid, observed and performed, all the rents reserved by, and all the covenants, conditions and agreements, contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under him, to be paid, observed and performed, and will keep the person to whom the conveyance is made and those deriving title under him, indemnified against all actions, proceedings, costs, charges, damages, claims and demands, if any to be incurred or sustained by him, or them by reason of the non-payment of such rent, or the non-observance or non-performance of such covenants, conditions and agreements, or any of them. (R.S.O., cap. 102, sec. 5.)

Mortgage by several mortgagors.

8. In a mortgage where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenants on their part shall be deemed to be joint and several covenants by them, and where there are more mortgagees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums, in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect to the share, or distinct sum secured to him. (R.S.O., cap. 102, sec. 6.)

Saving clause as to Rev. Stat. c. 102.

9. Nothing in this Act shall be construed as excluding the operations of section 1, or parts 1 and 3 of chapter 102 of the Revised Statutes of Ontario, when not inconsistent herewith or repugnant hereto.

SCHEDULES TO WHICH THIS ACT REFERS.

The First Schedule.

Form of Mortgage.

This indenture made day of one thousand eight hundred and in pursuance of *The Consolidated Short Form Mortgage Act* between (*here insert names of parties and recitals, if any*), witnesseth that in consideration of of lawful money of Canada, now paid by the said (*mortgagee or mortgagees*) to the said (*mortgagor or mortgagors*), the receipt whereof is hereby acknowledged, the said (*mortgagor or mortgagors who convey as beneficial owner*) doth (*or* do) grant (*or* assign) and mortgage unto the said (*mortgagee or mortgagees*) their executors administrators and their assigns forever, all (*parcels*) *here insert provisos, covenants and other provisions.*

In witness whereof the said parties hereto have hereunto set their hands and seals.

The Second Schedule.

Directions as to form in this Schedule.

1. Parties who use any of the forms in the first column of this schedule may substitute for the words "mortgagor or mortgagors" or "mortgagee or mortgagees," any name or names; and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

2. Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in any of the forms in the first column of this schedule; and corresponding changes shall be taken to be made in the corresponding forms in the second column.

3. Such parties may introduce into or annex to any of the forms in the first column any express exceptions from or other express qualifications, or variations, thereof respectively; and the like exceptions, qualifications or variations shall be taken to be made from or in the corresponding form in the second column.

4. Where the words mortgagor or mortgagees occur the same shall include their heirs, executors, administrators and assigns.

Column One.	*Column Two.*
1. And the said wife of the said mortgagor hereby bars her dower in the said lands.	1. And the said wife of the said mortgagor, for and in consideration of the premises hath granted and released, and by these presents doth grant and release unto the said mortgagee his heirs, executors, administrators and assigns, all her dower and right and title which in the event of surviving her said husband she might or would have to dower, into or out of the lands and premises hereby conveyed or intended so to be.
2. Provided: This mortgage to be void on payment of (*amount of principal money*) dollars, with interest at (*rate of interest*) per cent. as follows: (*terms of payment of principal and interest.*)	2. Provided always, and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators or assigns, the just and full sum of (*amount of principal money*) of lawful money of Canada, or in gold if so required, with interest thereon at the rate of (*rate of interest*) per cent. per annum on the days and times and in the manner following, that is to say (*terms of payment of principal and interest*) and also interest at the said rate after the maturity of said principal money as well as before, without any deduction, defalcation or abatement out of the same, and also do satisfy all taxes, rates, levies, charges, rents, assessments, statute labor or other impositions whatsoever already rated or hereafter to be rated, charged, assessed or imposed by authority of Parliament or

Column One.	*Column Two.*
	of the Legislature, or otherwise howsoever, on the said lands and tenements, hereditaments and premises, with the appurtenances, or on the said mortgagee, his heirs, executors, administrators or assigns, in respect to the said premises or of the said money or interest, or any other matter or thing relating to these presents, and until such default as aforesaid shall and will well and truly pay, do and perform, or cause or procure to be paid, done and performed, all matters and things in this proviso hereinbefore set forth, then these presents and everything in the same contained shall be absolutely null and void.
3. Proviso for the payment of interest upon interest in arrear.	3. And it is hereby further agreed that on default in payment of any instalment of interest, such interest shall at once become principal, and bear interest at the rate aforesaid, and all interest on arrears of principal, or interest shall be a charge upon the said lands.
4. If payment of principal be not made at maturity, or within one month thereafter, the mortgagor to pay an additional sum equal to three months' interest in advance.	4. And the mortgagors for themselves, their heirs, executors, administrators and assigns, covenant with the mortgagee, his executors, administrators and assigns, that in the event of non-payment of the said principal moneys at the time or times herein provided, or within one month, thereafter, with interest for said month; then the mortgagors, their heirs, executors, administrators, or assigns, shall not require the mortgagee, his

Column One.	*Column Two.*
	heirs, executors, administrators, or their assigns to accept payment of said principal moneys without paying a bonus equal to three months' interest in advance on the said principal moneys; such bonus to be in lieu of notice of intention to pay, the right to give, or receive which notice is hereby waived.
5. The said mortgagor covenants with the said mortgagee.	5. And the said mortgagor doth hereby for himself, his heirs, executors, administrators and assigns; covenant, promise, and agree to, and with the said mortgagee, his heirs, executors, administrators and assigns, in manner following, that is to say:
6. That the said mortgagor will insure the buildings on the said lands.	6. And also that the said mortgagor, his heirs, executors, administrators, or assigns shall and will forthwith insure, unless already insured, and during the continuance of this security keep insured against loss or damage by fire, in such proportions upon each building as may be required by the said mortgagee, his executors, administrators, or assigns, the messuages and buildings now or hereafter to be erected on the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be to the extent of the insurable value of such buildings; in some insurance office to be approved of by the said mortgagee, his heirs, executors, administrators, or assigns, and pay all premiums and sums of money necessary for such purpose as the same shall become due, and will within three days prior to the expiry of

Column One *Column Two.*

such policy pay the renewal premiums, and produce the receipt to the said mortgagee; and will, without demand, assign, transfer, and deliver over unto the said mortgagee, his heirs, administrators, or assigns, the policy or policies of insurance, receipt and receipts thereto appertaining, and in case of any default in performance of this covenant, the said mortgagee, his executors, administrators, or assigns, may effect the insurance herein provided for, and if the said mortgagee, his executors, administrators, or assigns, shall pay any premiums or sums of money for insurance of the said premises or any part thereof, the amount of such payments shall be added to the debt hereby secured, and shall be a charge on said land, and shall bear interest at the same rate from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on the said debt, and that the mortgagee shall have a lien for the mortgage debt, and interest on all insurance on said buildings, whether effected under this covenant or not, and notwithstanding, the same may be payable to the mortgagor, or to some other person, or assigned to such third person; and in case any machinery or plant for manufacturing or business purposes are now, or shall hereafter be affixed to, or placed upon said land or buildings, then such part of said insurance as may be required by the mortgagee or his assigns, shall be applied

Column One.	*Column Two.*
	to the insurance of said machinery or plant, and all the provisions of this covenant as to payment of premiums shall apply to such insurance, as well as insurance effected on buildings alone.
7. And the said mortgagor doth release to the said mortgagee all his claims upon the said lands subject to the said proviso.	7. And the said mortgagor hath released, remised, and forever quitted claim, and by these presents doth release, remise, and forever quit claim unto the said mortgagee, his executors, administrators, and assigns, all and all manner of right, title, interest, claim, and demand whatsoever, both at law and in equity of, into and out of the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, and every part and parcel thereof, so that neither the mortgagor, his heirs, executors, administrators, or assigns, shall or may at any time hereafter, have, claim, pretend to challenge or demand the said lands, tenements, hereditaments, and premises, or any part thereof, in any manner however, subject always to the said above proviso; but the said mortgagee, his heirs, executors, administrators, or assigns, and the said lands, tenements, hereditaments, and premises, subject as aforesaid, shall from henceforth, forever hereafter be exonerated and discharged, of and from all claims and demands whatsoever, which the said mortgagor, his heirs or assigns might, or could have upon the said mortgagee, his heirs, executors, administrators or assigns, in respect of the said lands,

Column One.

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tenements, hereditaments, and premises, or upon the said lands, tenements, hereditaments and premises.

8. Provided that the said mortgagee on default of payment for months may on notice enter on and lease or sell the said lands.

8. Provided always, and it is hereby agreed and declared by and between the parties to these presents, that if the said mortgagor, his heirs, executors, or administrators or assigns shall make, default in any payment of the said money or interest, or any part of either of the same, or any money payable by virtue of these presents, according to the true intent and meaning of these presents, and of the proviso in that behalf hereinbefore contained, and calendar months shall have thereafter elapsed without such payment being made (of which default, as also of the continuance of the said principal money and interest, or some part thereof on this security, the production of these presents shall be conclusive evidence), it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators or assigns, after giving written notice to the mortgagor, his heirs or assigns, of his intention in that behalf, and that such notice may be effectually given for all intents and purposes, by leaving the same with any person on the said lands or any of them, or by placing the same on some portion thereof, or at the option of the mortgagee by publishing the ,same in some newspaper published in the county or city where the lands are, or by sending the same prepaid

Column One. *Column Two.*

and addressed to the mortgagor at his usual post office address, and shall be sufficient although not addressed to any person or persons, by name or designation, and in case of default as aforesaid for two months additional to the period of default above mentioned, the powers hereby granted may be exercised without any notice whatsoever, and without any further consent or concurrence of the said mortgagor, his heirs or assigns, or any notice to him or them, to enter into possession of the said lands, tenements, hereditaments, and premises hereby conveyed, or mentioned, or intended so to be, and to receive and take the rents, issues and profits thereof, and whether in or out of possessson of the same to make any lease or leases thereof, or of any part thereof, as he shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments, fixtures and premises, or term of years, hereby conveyed, or mentioned or intended so to be, or any part or parts thereof, with the appurtenances by public auction, or private contract or partly by public auction, and partly by private contract as to him shall seem meet, and to convey and assure the same when so sold unto the purchaser or purchasers thereof, his heirs and assigns, or as he, she, or they shall direct and appoint, and to execute and do all such assurances, acts, matters and things, as may be found necessary for the purpose aforesaid, and the said mortgagee shall not be re-

Column One. *Column Two.*

sponsible for any loss which may arise by reason of any such leasing or sale, as aforesaid, unless the same shall happen by reason of his wilful neglect or default; it being agreed that sales may be made from time to time of portions of said lands, or of the equity of redemption in the whole of said lands, subject to the amount not yet payable according to the proviso, to satisfy interest or parts of principal overdue, leaving the principal or balance thereof to run at interest payable as aforesaid, and may make any stipulation as to title or evidence, or commencement of title, or otherwise, which they should deem proper, and may buy in, rescind, or vary any contract for sale of any of the said lands, and resell without being answerable for loss occasioned thereby, and the purchaser at any sale hereunder shall not be bound to see to the propriety or regularity thereof, and that no want of notice of publication or other irregularity shall invalidate any sale hereunder in the hands of a *bona fide* purchaser; and it is hereby further agreed between the parties to these presents, that until such sale or sales shall be made as aforesaid, the said mortgagee, his heirs, executors, administrators or assigns shall and will stand, and be possessed of, and interested in the rents and profits of the said lands, tenements, hereditaments, and premises in case he or they shall take possession of the same, on any default as aforesaid, and after such sale or sales, shall stand and be

Column One. *Column Two.*

possessed of, and interested in the moneys to arise and be produced by such sale or sales, or which shall be received by the mortgagee, his heirs, executors, administrators or assigns, by reason of any insurance upon the said premises or any part thereof, upon trust in the first place to pay and satisfy the costs and charges of preparing for, and making sales, leases, and conveyances as aforesaid, and all other costs, and charges, damages, and expenses which the said mortgagee, his heirs, executors administrators or assigns, shall bear, sustain or be put to for taxes, rent, insurance, and repairs, and all other costs and charges which may be incurred in inspecting, taking, recovering, or keeping possession of said land, or by reason of non-payment, or procuring payment of moneys secured hereby, and about the execution of any of the trusts in him hereby reposed,and in the next place, to pay and satisfy the principal sum of money and interest hereby secured, or mentioned, or intended so to be, or so much thereof as shall remain due and unsatisfied, up to, and inclusive of the day whereon the principal sum shall be paid and satisfied; and after full payment and satisfaction of all such sums of money and interest as aforesaid upon the further trust that the said mortgagee, his executors, administrators or assigns, do and shall pay the surplus, if any, to the said mortgagor, his executors, administrators or assigns, or as he shall direct and appoint,

Column One.

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and shall also, in such event, at the request, cost and charges of the said mortgagor, his heirs or assigns, convey and assure unto the said mortgagor, his heirs or assigns, or to such person or persons as he shall direct and appoint all such parts of the said lands, tenements, hereditaments, and premises as shall remain unsold for the purposes aforesaid, freed and absolutely discharged, of and from all estate, lien, charge and encumbrance, whatsoever by the said mortgagee, his heirs, exécutors, administrators or assigns in the meantime, so as no person who shall be required to make or execute any such assurances, shall be compelled for the making thereof, to go or travel from his usual place of abode; provided always, and it is hereby further declared and agreed by and between the parties to these presents, that notwithstanding the power of sale, and other the powers and provisions contained in these presents, the said mortgagee, his heirs, executors, administrators or assigns, shall have and be entitled to the right of foreclosure of the equity of the redemption of the said mortgagor, his heirs and assigns, in the said lands, tenements, hereditaments, and premises as fully and effectually as he might have exercised and enjoyed the same in case the power of sale, and the other former provisos and trusts incident thereto, had not been herein contained.

Column One.	*Column Two.*
9. Provided that the mortgagees may distrain for arrears of interest.	9. And it is further covenanted, declared and agreed by and between the parties to these presents that if the said mortgagor, his heirs, executors or administrators, shall make default in payment of any part of the said interest at any of the days or times hereinbefore limited for the payment thereof, it shall and may be lawful for the said mortgagee, his heirs, executors, administrators or assigns to distrain therefor upon the said lands, tenements, hereditaments and premises, or any part thereof, and by distress warrant to recover by way of rent reserved, as in the case of a demise, of the said lands, tenements, hereditaments and premises so much of said interest as shall from time to time be in arrear and unpaid, together with all costs, charges and expenses attending such levy or distress as in like cases of distress for rent.
10. The mortgagor attorns as tenant to the mortgagees.	10. The mortgagees lease to the mortgagor the said lands from the date hereof unto the date herein provided for the last payment of any of the moneys secured, undisturbed by the mortgagees or their assigns, he the mortgagor paying therefor in every year during the said term, on the days in the above proviso for redemption appointed for payment of the moneys hereby secured such rent or sum as equals in amount the amount payable on such days respectively according to the said proviso. And it is agreed that such payments when so made shall respectively be

Column One.	*Column Two.*
	taken, and be in all respects in satisfaction of the moneys so then payable according to the said proviso, and the company shall only be liable to account for rents actually received. Provided always and it is agreed that in case any of the covenants or agreements herein be untrue or unobserved, or broken at any time, the mortgagees or their assigns may, without any previous demand or notice, enter on the said lands or any part thereof in the name of the whole, and take and retain possession thereof, and determine the said lease.
11. Provided that in default of payment of interest the principal shall become payable.	11. Provided always and it is hereby further expressly declared and agreed by and between the parties to these presents, that if any default shall at any time happen to be made of or in payment of the interest money hereby secured or mentioned or intended so to be, or any part thereof, then and in such case the principal money hereby secured or mentioned or intended so to be, and every part thereof shall forthwith become due and payable in like manner and with the like consequences and effects to all intents and purposes whatsoever, as if the time herein mentioned for payment of such principal money had fully come and expired, but that in such case the said mortgagor, his heirs or assigns shall, on payment of all arrears under these presents, with lawful costs and charges in that behalf, at any time before any judgment in the

Column One.	*Column Two.*
	premises recovered at law or within such time as by the High Court, relief therein could be obtained, be relieved from the consequences of non-payment of so much of the money secured by these presents or mentioned, or intended so to be as may not then have become payable by reason of lapse of time.
12. Registration shall not bind mortgagee to advance money.	12. That it is agreed that neither the execution nor registration of this mortgage nor the advance in part of the moneys secured hereby shall bind the mortgagee to advance the said moneys or any unadvanced portion thereof.
13. The mortgagee to be entitled to the rights of incumbrances paid off.	13. And it is hereby declared that in case the mortgagee satisfies any charge on the lands, the amount paid shall be payable forthwith with interest, and in default, the powers of sale hereby given shall be exercisable, and in the event of the money hereby advanced, or any part thereof being applied to the payment of any charge or incumbrance, the mortgagee shall stand in the position and be entitled to all the equities of the person or persons so paid off.
14. Provided that until default of payment the mortgagor shall have quiet possession of the said lands.	14. And provided also and it is hereby further expressly declared and agreed by and between the parties to these presents—that until default shall happen to be made of or in the payment of the said sum of money hereby secured or mentioned or intended so to be, or the interest thereof, or any part of either of the same,

Column One. *Column Two.*

or the doing, observing, performing, fulfiling, or keeping some one or more of the provisions, agreements, or stipulations herein set forth contrary to the true intent and meaning of these presents, it shall and may be lawful to and for the said mortgagor, his heirs and assigns, peaceably and quietly to have hold, use, occupy, possess and enjoy the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with their and every of their appurtenances, and receive and take the rents, issues and profits thereof to his own use and benefit without let, suit, hindrance, interruption, or denial of or by the said mortgagee, his heirs, executors, administrators or assigns, or of or by any other person or persons, whomsoever lawfully claiming, or who shall or may lawfully claim by, from, under or in trust for him, her, them or any or either of them.

No. 177.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

Consolidated Short Form Mortgage Act.

First Reading, 12th May, 1893.

Mr. O'CONNOR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 178.] BILL. [1893.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Assessment Act, 1892,* is amended by adding thereto, after section 172 (*a*), the following section :— 55 V. c. 48, amended.

172 (*b*) No sale of lands for taxes in any city shall be rendered invalid by reason of there having been sufficient distress upon such lands to satisfy the taxes charged against the same, or by reason of the collector having failed to make a return, or having made an incorrect return to the treasurer of the municipality with respect to such distress, or of his having failed to state or having stated incorrectly the reason why payment of such taxes has not been made. Certain irregularities not to invalidate tax sales in cities.

No. 178.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Assessment Act.

First Reading, 12th May, 1893.

Mr. GUTHRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 179] BILL. [1893.

An Act respecting certain duties, liabilities and fees of Sheriffs.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Taking money secured by mortgage under execution.

1. In case a sheriff to whom a writ of execution is addressed is informed on behalf of the plaintiff, that the defendant is a mortgagee of land and that the mortgage is registered, or that the defendant is entitled to receive a sum of money charged upon lands by virtue of any registered instrument, and in case the sheriff is required on behalf of the plaintiff to seize the mortgage or charge, and is furnished in writing with the information necessary to enable him to give the notice hereinafter mentioned, he shall, upon payment of the proper fees, forthwith deliver or transmit to the registrar in whose office the mortgage or other instrument is registered, a notice in the form or to the effect following:

Form of sheriffs' notice to registrar.

To the registrar of

By virtue of a writ of *fieri facias* to me directed and issued out of the High Court of Justice division at , (*or* the county court of the county of), whereby I am commanded to levy against the goods and chattels of A. B. the sum of $, for debt, and $ for costs and the costs of executions, I have this day seized and taken in execution all the estate, right, title and interest of the said A. B. in a certain mortgage made by X. Y. to the said A. B., and which bears date on the day of , and was registered in the registry office for the county of , on the day of , A.D., , as number (*or* the said mortgage or other instrument may be described in any other manner by reference to dates, parties and the land covered as will enable the notice to be recorded upon the lands therein described) and in the moneys secured thereby, and this notice is given for the purpose of binding the interests of the said A.B. under the statute entitled "An Act respecting certain Duties, Liabilities and Fees of Sheriffs."

Dated this day of 189

(Signed) M. N.

Sheriff of the county of .

Effect of registration of sheriff's notice to registrar.

2. Upon registration of the said notice the interest of the execution debtor in the mortgage or other instrument, and in the lands therein described, and in the moneys thereby secured

and in all covenants and stipulations for the securing of payment thereof, shall be bound by the execution, and such registration shall be deemed to be to all persons who may thereafter in any way acquire any interest in the mortgage, lands, moneys or covenants notice of the said execution and seizure; and the rights of the sheriff and judgment creditor shall have priority over the rights of all such persons subject, as regards the mortgagor or person liable to pay the money secured by the mortgage or charge, to the next section of this Act. (*See* R. S. O., c. 114, s. 76.)

Notice to mortgagor.

3. A notice similar to the notice mentioned in first section or containing the like information shall also be served upon the mortgagor or upon the person who is liable to pay the moneys secured by the registered instrument; and upon such service the person served shall pay to the sheriff all moneys payable or which may become payable to the execution debtor. (R. S. O., c. 114, s. 69, 73.)

Payments made after notice.

(2) Any payment made after service of the notice or after actual knowledge of the seizure shall be void as against the sheriff and execution creditor.

Sheriff enforcing mortgage.

4. In addition to the remedies provided by *The Execution Act*, the sheriff may bring an action on such mortgage or other instrument for the sale or foreclosure of the lands covered by said mortgage or other instrument, and shall be entitled to a bond of indemnity as in the case of the said other remedies. (R. S. O., Chapter 64, ss. 17, 18, 20).

Expiry or setting aside of execution after registration of notice.

5. Upon a writ of execution, notice whereof is registered under this Act, expiring or being satisfied, set aside or withdrawn, a certificate of such fact by the sheriff or the execution creditor, or the order to set aside, as the case may be, may be registered by the execution creditor or creditors (if more than one), and thereupon such seizure shall be vacated and deemed at an end.

Verification of order and certificates.

6. The order of court or the certificate of the sheriff shall not need verification. The certificate of the execution creditor shall be verified by the oath of a subscribing witness as in the case of other instruments affecting lands.

Fees of registrar and sheriff.

7. For the registration of any certificate under this Act the registrar shall be entitled to a fee of 50 cents; and for every notice of seizure under section 1 of this Act, the sheriff shall be entitled to a fee of $1.

Examination of persons in possession of property of execution debtor.

8. In case a judge of the court out of which the execution has issued is satisfied that there is reasonable ground for supposing that any person or corporation is in possession of any property of the execution debtor exigible under the

execution, such judge may order such person or any officer of said corporation to attend and submit to examination *viva voce* upon oath before an examiner named in the order, touching the property and means of the execution debtor, upon payment to the officer or other person of the same witness fees as would be payable to a witness at a trial of an action.

Claims of third parties to goods in possession of debtor.

9.—(1) When a sheriff finds property in the possession of a debtor against whose property he has a writ or other process in his hands, and a claim is set up to such property by or on behalf of a third person who is either out of possession or is in joint possession with the debtor, the claim of such third person shall be made in writing, and upon the receipt thereof the sheriff or his officer shall forthwith give notice thereof to the execution creditor, and the execution creditor shall, within four days after receiving the notice, give notice to the sheriff or his officer that he admits or disputes the claim according to form. If the execution creditor admits the title of the claimant, and gives notice as directed by this section, he shall only be liable to such sheriff or officer for any fees and expenses incurred prior to the receipt of the notice admitting the claim. (English Orders, 1889—Order 57, Rule 16.)

When execution creditor does not admit or dispute claim of third party within time limited.

(2) Where the execution creditor does not in due time, as directed by the last preceding section, admit or dispute the title of the claimant to the goods or chattels, and the claimant does not withdraw his claim thereto by notice in writing to the sheriff or his officer, the sheriff may apply for an interpleader summons to be issued, and should the claimant withdraw his claim by notice in writing to the sheriff or his officer, or the execution creditor in like manner serve an admission of the title of the claimant prior to the return day of such summons, and at the same time give notice of such admission to the claimant, the judge or master may, in and for the purposes of interpleader proceedings, make all such orders as to costs, fees, charges and expenses as may be just and reasonable. (English Orders, 1889—Order 57, Rule 17.)

Instructions and indemnity to sheriff on seizing goods claimed by third parteies.

10.—(1) A sheriff shall not without written instructions and a bond hereinafter mentioned be obliged to seize property which is in the possession of a third party claiming the same, and not in the possession of the debtor against whose property the writ or other process was issued.

(2) The written instructions to be delivered to the sheriff shall specify the goods and chattels in such a way as to enable the sheriff to identify the same as the goods and chattels intended.

(3) The bond is to be a bond of indemnity to the sheriff and his assigns, with two sufficient sureties, who are to justify in double the supposed value of the property, such supposed value to be stated in an affidavit by the creditor or his solicitor or agent attached to the bond.

(4) The bond is to be conditioned that the parties executing the same will be liable for the costs and expenses which the sheriff may be put to by the seizure or subsequent dealings with the property, including the interpleader suit (if any), and which he does not recover from other persons who ought to pay the same.

(5) In case the sheriff is not satisfied with the bond offered the matter in difference is to be determined and disposed of by a judge in the same manner as in the case of a replevin bond.

51 V. c. 11, s. 1 repealed.

11. Section 1 of the Act passed in the 51st year of Her Majesty's reign, intituled, *An Act to amend the Law as to Executions* is repealed, and the following section substituted therefor:—

Moneys realized on sale under interpleader order.

1 Section 4, (1) and (2) of the *Creditors' Relief Act* shall not apply to any moneys received by a sheriff as the proceeds of a sale of property by him under an interpleader order; but upon the determination of the interpleader issue in favour of the creditors, the moneys whether in the sheriff's hands or in court pending the trial of the issue, shall be distributed by the sheriff among the creditors contesting the adverse claim.

Meaning of "adverse claim" in Rev. Stat., c. 65, s. 4, sub-s. 3.

(2) The adverse claim referred to in sub-section 3 of section 4 of *The Creditors' Relief Act*, shall mean any claim to contest which an interpleader issue is directed; and upon any interpleader application the court or judge shall have a discretion to allow to other creditors who desire to take part in the contest, a reasonable time in which to place their executions in the sheriff's hands, upon such terms as costs or otherwise as may be just and reasonable.

55 V. c. 15, s. 3 amended.

12. Section 3 of the Act passed in the 55th year of Her Majesty's reign, entitled *An Act respecting the duty of Sheriffs on arresting persons under civil process* is amended, by adding thereto the following words:—"But such deposit shall be repayable to the party depositing the same upon the sheriff being furnished with a certificate of the court that the bail piece has been perfected under the said consolidated orders, or upon the allowance of the bond required by the 14th section of the said Act."

Liability of suitor for fees of sheriff.

13.—(1) A suitor shall be liable to the sheriff for all his lawful costs, fees, charges, poundage and expenses in respect of any execution or other writ or process placed in the sheriff's office by his solicitor; and a suitor shall be bound by all instructions given in writing to the sheriff by his solicitor with respect to proceedings on a writ of execution or other process.

Rev. Stat., c. 16, s. 41, amended.

(2) The words "costs, fees, and expenses" shall be substituted for the word "fees" in section 41 of the *Act respecting the Office of Sheriff*.

14.—(1) Where a sheriff has in his hands an order of replevin, and in case the property to be replevied or any part thereof is supposed to be secured or concealed in any dwelling house of the defendant, or of any other person holding the same for him, and in case the sheriff publicly demands at the door of such dwelling house deliverance of the property to be replevied, and in case the same is not delivered to him within six hours after such demand, he may, and shall, if necessary (but during daylight only), break open such dwelling house for the purpose of replevying such property or any part thereof, if found therein, and shall make replevin according to the order. Powers of sheriff to make search under order of replevin.

(2) When the property to be replevied, or any part thereof, is supposed to be secured or concealed in any enclosure other than a dwelling house of the defendant, or of any other person holding the same for him, and in case the sheriff publicly demands at the enclosure, deliverance of the property to be replevied, and in case the same is not forthwith delivered to him, he may, and shall, if necessary, at once break open such enclosure for the purpose of replevying such property, if found therein, and shall make replevin according to the order.

(3) The procedure provided for in this section shall be substituted for the present practice relating to such matters.

15. Section 11 of the *Act respecting the Fees of Counsel and other Officers in the Administration of Justice* is hereby repealed except as respects the county of York and city of Toronto. Rev. Stat., c. 83, s. 11, repealed, save as to York and Toronto.

16. *The Act respecting the Fees of Counsel and other Officers in the Administration of Justice,* is hereby amended by adding the following items to the sheriff's schedule as 29*a*, and 29*b*., the same not to apply to the sheriffs of Toronto and York. Rev. Stat., c. 83, amended.

29*a*. Every return which may be required by the county or county council, $1.

29*b*. Disbursements actually and necessarily incurred while in attendance upon a judge of the high court when holding a sittings of the high court, or incurred in obedience to his order, the amount to be paid be the treasurer of the county upon the order of the sheriff.

17. Section 144 of *The Jurors Act* is amended by adding thereto the following sub-section:— Rev. Stat., c. 52, s. 144, amended.

(2) Where the county council has not passed any by-law determining the sums to be paid to the sheriff for the services therein mentioned, the sheriff shall be entitled to receive from the treasurer of the county $1 per day for checking each jury

panel and $1 each for certifying and returning the lists to the treasurer.

Rev. Stat., c. 86, sched. amended.

18. The Revised Statute, chapter 86, entitled *An Act respecting the Expenses of the Administration of Justice in Criminal Matters,* is amended by adding the following items to the schedule regarding sheriffs (not including the sheriffs of Toronto and York):

For arraignment on trial at assizes or sessions where prisoner has been out on bail	$2 00
For every return to the inspector	2 00

No. 179.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain duties, liabilities and fees of Sheriffs.

First Reading, 15th May, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 179] **BILL** [1893.

An Act respecting certain duties, liabilities and fees of Sheriffs.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation "Plaintiff" "Creditor"

1. The word "plaintiff" or the word "creditor" in this Act includes any person named in a writ of execution as the person for whom the levy is to be made. The word "defendant" or the word "debtor" includes any person of whose property the money is directed to be levied.

Taking money secured by mortgage under execution.

2. In case a sheriff to whom a writ of execution is addressed is informed on behalf of the plaintiff, that the defendant is a mortgagee of land and that the mortgage is registered, or that the defendant is entitled to receive a sum of money charged upon lands by virtue of any registered instrument, and in case the sheriff is required on behalf of the plaintiff to seize the mortgage or charge, and is furnished in writing with the information necessary to enable him to give the notice hereinafter mentioned, he shall, upon payment of the proper fees, forthwith deliver or transmit to the registrar in whose office the mortgage or other instrument is registered, a notice in the form or to the effect following:

Form of sheriffs' notice to registrar.

To the registrar of

By virtue of a writ of *fieri facias* to me directed and issued out of the High Court of Justice division at , (*or* the county court of the county of), whereby I am commanded to levy against the goods and chattels of A. B. the sum of $, for debt, and $ for costs and the costs of executions, I have this day seized and taken in execution all the estate, right, title and interest of the said A. B. in a certain mortgage made by X. Y. to the said A. B., and which bears date on the day of , and was registered in the registry office for the county of , on the day of , A.D., , as number (*or* the said mortgage or other instrument may be described in any other manner by reference to dates, parties and the land covered as will enable the notice to be recorded upon the lands therein described) and in the moneys secured thereby, and this notice is given for the purpose of binding the interests of the said A.B. under the statute entitled "An Act respecting certain Duties, Liabilities and Fees of Sheriffs."

Dated this day of 189

(Signed) M. N.

Sheriff of the county of .

Effect of registration of sheriff's notice to registrar.

3. Upon registration of the said notice the interest of the execution debtor in the mortgage or other instrument, and in the lands therein described, and in the moneys thereby secured and in all covenants and stipulations for the securing of payment thereof, shall be bound by the execution, and such registration shall be deemed to be to all persons who may thereafter in any way acquire any interest in the mortgage, lands, moneys or covenants notice of the said execution and seizure; and the rights of the sheriff and execution creditor shall have priority over the rights of all such persons subject, as regards the mortgagor or person liable to pay the money secured by the mortgage or charge, to the next section of this Act. (*See* R. S. O., c. 114, s. 76.)

Notice to mortgagor.

4.—(1) A notice similar to the notice mentioned in first section or containing the like information shall also be served upon the mortgagor or upon the person who is liable to pay the moneys secured by the registered instrument; and upon such service the person served shall pay to the sheriff all moneys payable or which may become payable to the execution debtor. (R. S. O., c. 114, s. 69, 73.)

Mode of effecting service.

(2) Service of such notice may be made personally, or by leaving the same at the dwelling-house of the person to be served with a grown up person there dwelling, or by registered letter to him at his proper address.

Payments made after notice.

(3) Any payment made after service of the notice or after actual knowledge of the seizure shall be void as against the sheriff and execution creditor.

Sheriff enforcing mortgage.

5. In addition to the remedies provided by *The Execution Act*, the sheriff may bring an action on such mortgage or other instrument for the sale or foreclosure of the lands covered by said mortgage or other instrument, and shall be entitled to a bond of indemnity as in the case of the said other remedies. (R. S. O., Chapter 64, ss. 17, 18, 20).

Expiry or setting aside of execution after registration of notice.

6. Upon a writ of execution, notice whereof is registered under this Act, expiring or being satisfied, set aside or withdrawn, a certificate of such fact by the sheriff or the execution creditor, or the order to set aside, as the case may be, may be registered by the execution creditor or creditors (if more than one), and thereupon such seizure shall be vacated and deemed at an end.

Verification of order and certificates.

7. The order of court or the certificate of the sheriff shall not need verification. The certificate of the execution creditor shall be verified by the oath of a subscribing witness as in the case of other instruments affecting lands.

Fees of registrar and sheriff.

8. For the registration of any certificate under this Act the registrar shall be entitled to a fee of 50 cents; and for every

notice of seizure under section 2 of this Act, the sheriff shall be entitled to a fee of $1.

Examination of persons in possession of property of execution debtor.

9. In case a judge of the court out of which the execution has issued is satisfied that there is reasonable ground for supposing that any person or corporation is in possession of any property of the execution debtor exigible under the execution, such judge may order such person or any officer of said corporation to attend and submit to examination *viva voce* upon oath before an examiner named in the order, touching the property and means of the execution debtor, upon payment to the officer or other person of the same witness fees as would be payable to a witness at a trial of an action.

Claims of third parties to goods in possession of debtor.

10.—(1) When a sheriff finds property in the possession of a debtor against whose property he has a writ or other process in his hands, and a claim is set up to such property by or on behalf of a third person who is either out of possession or is in joint possession with the debtor, the claim of such third person shall be made in writing, and upon the receipt thereof the sheriff or his officer shall forthwith give notice thereof to the execution creditor, in the form set forth in schedule "A" hereto, and the execution creditor shall, within *seven* days after receiving the notice, give notice according to the form set forth in schedule "B" hereto, to the sheriff or his officer that he admits or disputes the claim according to the execution creditor admits the title of the claimant, and gives notice as directed by this section, he shall only be liable to such sheriff or officer for any fees and expenses incurred prior to the receipt of the notice admitting the claim. (English Orders, 1889—Order 57, Rule 16.)

When execution creditor does not admit or dispute claim of third party within time limited.

(2) Where the execution creditor does not in due time, as directed by the last preceding section, admit or dispute the title of the claimant to the goods or chattels, and the claimant does not withdraw his claim thereto by notice in writing to the sheriff or his officer, the sheriff may apply for an interpleader summons to be issued, and should the claimant withdraw his claim by notice in writing to the sheriff or his officer, or the execution creditor in like manner serve an admission of the title of the claimant prior to the return day of such summons, and at the same time give notice of such admission to the claimant, the judge or master may, in and for the purposes of interpleader proceedings, make all such orders as to costs, fees, charges and expenses as may be just and reasonable. (English Orders, 1889—Order 57, Rule 17.)

Instructions and indemnity to sheriff on seizing goods claimed by third parteies.

11.—(1) A sheriff shall not without written instructions and a bond hereinafter mentioned be obliged to seize property which is in the possession of a third party claiming the same, and not in the possession of the debtor against whose property the writ or other process was issued.

(2) The written instructions to be delivered to the sheriff shall specify the goods and chattels in such a way as to enable the sheriff to identify the same as the goods and chattels intended.

(3) The bond is to be a bond of indemnity to the sheriff and his assigns, with two sufficient sureties, who are to justify in double the supposed value of the property, such supposed value to be stated in an affidavit by the creditor or his solicitor or agent attached to the bond.

(4) The bond is to be assignable to the claimant and is to be conditioned that the parties executing the same will be liable for the costs and expenses which the sheriff *or claimant* may be put to by the seizure or subsequent dealings with the property, including the interpleader suit (if any), and which he does not recover from other persons who ought to pay the same.

(5) In case the sheriff is not satisfied with the bond offered the matter in difference is to be determined and disposed of by a judge in the same manner as in the case of a replevin bond.

(6) Damages claimable shall be the same as before the passing of this Act.

Right of sheriff to interpleader not affected.

(7) Nothing in this section shall be construed to limit the right of the sheriff to apply for relief by interpleader under the present law and the practice of the courts.

51 V. c. 11, s. 1 repealed.

12. Section 1 of the Act passed in the 51st year of Her Majesty's reign, intituled, *An Act to amend the Law as to Executions* is repealed, and the following section substituted therefor:—

Moneys realized on sale under interpleader order.

1 (1) Section 4, (1) and (2) of the *Creditors' Relief Act* shall not apply to any moneys received by a sheriff as the proceeds of a sale of property by him under an interpleader order; but upon the determination of the interpleader issue in favour of the creditors, the moneys whether in the sheriff's hands or in court pending the trial of the issue, shall be distributed by the sheriff among the creditors contesting the adverse claim.

Meaning of "adverse claim" in Rev. Stat., c. 65, s. 4, sub-s. 3.

(2) The adverse claim referred to in sub-section 3 of section 4 of *The Creditors' Relief Act*, shall mean any claim to contest which an interpleader issue is directed; and upon any interpleader application the court or judge shall have a discretion to allow to other creditors who desire to take part in the contest, a reasonable time in which to place their executions in the sheriff's hands, upon such terms as costs or otherwise as may be just and reasonable.

55 V. c. 15, s. 3 amended.

13. Section 3 of the Act passed in the 55th year of Her Majesty's reign, entitled *An Act respecting the duty of Sheriffs on arresting persons under civil process* is amended, by adding

thereto the following words :—" But such deposit shall be repayable to the party depositing the same upon the sheriff being furnished with a certificate of the court that the bail piece has been perfected under the said consolidated orders, or upon the allowance of the bond required by the 14th section of the said Act."

14. The words "costs, fees, and expenses" shall be substituted for the word "fees" in section 41 of the *Act respecting the Office of Sheriff*. Rev. Stat., c. 16, s. 41, amended.

15.—(1) Where a sheriff has in his hands an order of replevin, and in case the property to be replevied or any part thereof is *reasonably* supposed to be secured or concealed in any dwelling house of the defendant, or of any other person holding the same for him, and in case the sheriff publicly demands at the door of such dwelling house delivery of the property to be replevied, and in case the same is not delivered to him within six hours after such demand, he may, and shall, if necessary (but during daylight only), break open such dwelling house for the purpose of replevying such property or any part thereof, if found therein, and shall make replevin according to the order. Powers of sheriff to make search under order of replevin.

(2) When the property to be replevied, or any part thereof, is *reasonably* supposed to be secured or concealed in any enclosure other than a dwelling house of the defendant, or of any other person holding the same for him, and in case the sheriff publicly demands at the enclosure, deliverance of the property to be replevied, and in case the same is not forthwith delivered to him, he may, and shall, if necessary, at once break open such enclosure for the purpose of replevying such property, if found therein, and shall make replevin according to the order.

(3) The procedure provided for in this section shall be substituted for the present practice relating to such matters.

16. *The Act respecting the Fees of Counsel and other Officers in the Administration of Justice*, is hereby amended by adding the following items to the sheriff's schedule as *14a*, and *29b.*, the same not to apply to the sheriffs of Toronto and York. Rev. Stat., c. 83, amended.

14*a*. Every return *which may be required by* the county or county council, $1.

29*a*. Disbursements actually and necessarily incurred while in attendance upon a judge of the high court when holding a sittings of the high court, or incurred in obedience to his order, the amount to be paid by the treasurer of the county upon the order of the sheriff.

Application of Rev. Stat. c 83, Sched. Items 13, 14*a*, 29*a* 31, 37 and 38.

☞**17**. The items mentioned in the last section, and the items numbered 13, 31, 37 and 38 in the Schedule relating to Sheriffs contained in the Act last mentioned shall apply in any year to any county in which the net income of the Sheriff for the next preceding year did not exceed $2,000, and not otherwise. (45 Vict., c. II., s. 14; R. S. O., c. 83, s. 11).

Rev. Stat., c. 52, s. 144, amended.

18. Section 144 of *The Jurors Act* is amended by adding thereto the following sub-section:—

(2) Where the county council has not passed any by-law determining the sums to be paid to the sheriff for the services therein mentioned, the sheriff shall be entitled to receive from the treasurer of the county $1 per day for checking each jury panel and $1 each for certifying and returning the lists to the treasurer.

Rev. Stat., c.c. 83 and 86, scheds. amended.

☞**19**. The Revised Statute, chapter 83, entitled *An Act respecting the fees of Counsel and other Officers in the Administration of Justice* and the Revised Statute, chapter 86, entitled *An Act respecting the expenses of the Administration of Justice in Criminal Matters* are respectively amended by adding the following items to the schedule regarding sheriffs:☜

☞For arraignment, trial and sentence, in all for each prisoner, whether convicted or acquitted, who has been out on bail.....$2 00

For every return to the inspector of Legal Offices.... 2 00

SCHEDULE "A."

(*Section 10.*)

NOTICE OF CLAIM TO GOODS TAKEN IN EXECUTION.

In the matter of (*style of cause*).

Take notice that *A.B.* has claimed the goods [(*or* certain goods), *where only certain goods are claimed, here enumerate them,*] taken in execution by the sheriff under the writ of issued in this action. You are hereby required to admit or dispute the title of the said *A.B.* to the said goods, and give notice thereof in writing to the said sheriff within four days from the receipt of this notice, failing which the said sheriff may issue an interpleader summons. If you admit the title of the said *A.B.* to the said goods and give notice thereof in manner aforesaid to the said sheriff, you will only be liable for any fees and expenses incurred prior to the receipt of the notice admitting the claim.

(Sgd.) C. D.
Sheriff of

Dated

To the Plaintiff.

SCHEDULE "B."

(*Section 10.*)

NOTICE OF PLAINTIFF OF ADMISSION OR DISPUTE OF TITLE OF CLAIMANT.

In the matter of (*style of cause.*)

Take notice that I admit (or dispute) the title of *A.B.* to the goods (or to certain of the goods, namely *set them out*), seized by you under the execution issued on the judgment in this action.

(Sgd.) E. T.
Plaintiff or Solicitor.

To the Sheriff of

No. 179.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain duties, liabilities and fees of Sheriffs.

First Reading, 15th May, 1893.
Second Reading, 18th May, 1893.

(Reprinted as amended by Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 180.] **BILL.** [1893.

An Act to amend The High Schools Act, 1891.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 6 of section 2 of *The High Schools Act 1891* is hereby amended by adding thereto the following words:—"or whose parents or guardians are assessed for an amount equal to the average amount of resident ratepayers of the district." 54 V. c. 57, s. 2, sub-s. 2, amended.

2. Section 30 of the said Act is amended by adding thereto the following sub-sections:— 54 V. c. 57, s. 30 amended.

(2) When any county council is required as hereinafter provided to pay the proportionate maintenance of county pupils at any high school in the county, it shall be lawful for any municipality not included in a high school district to provide for the payment of its share of the proportionate maintenance of such county pupils, by assessment on the ratepayers of the municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of all the municipalities of the county not included in any high school district. Provision for maintenance of county pupils by municipality outside of the high school district.

(3) When any rate is levied as aforesaid then such municipality shall be relieved from the payment of any further rates for high school purposes, and all money so collected shall be paid to the county treasurer on or before the 15th of December in each year.

3. Section 35 of the said Act is amended by striking out the word "municipality" in the first line and inserting in lieu thereof the word "county." 54 V. c. 57 s. 35 amended.

4. Nothing herein contained shall be taken or deemed to affect any action now pending in any court of this Province with respect to any question raised under *The High Schools Act. 1891.* Pending proceedings not affected.

No. 180.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The High Schools Act, 1891.

First Reading, 16th May, 1893.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 181.] **BILL.** [1893.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Assessment Act, 1892,* is amended by inserting therein the following section 54*a*. 55 V., c. 48, amended.

54*a*. Notwithstanding anything in this Act contained, the council of any township may, on or before the first day of February in any year, pass a by-law providing that the assessment taken in that year shall also be the assessment for the two years next following, and the assessor shall make up his roll in such years from the assessment roll as finally revised for the year in which the by-law was passed, but omitting therefrom the names of all persons known to him to have become disentitled to entry in the assessment roll, and adding thereto the names of all persons who give notice to him that they require to be assessed or to be entered on the roll, and who satisfy the assessor that they are entitled to be so entered, and the assessor shall give the notices of assessment and take all other proceedings thereafter, as provided by this Act, and the said assessment roll as finally revised shall be the assessment roll of the municipality for the year in which it was prepared. Triennial assessments in townships.

No. 181.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Assessment Act.

First Reading, 16th May, 1893.

Mr. MONK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 182.] **BILL.** [1893.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. Section 637*a* of *The Consolidated Municipal Act 1892*, is amended by inserting after the word "Act" in the fourth line of said section the words "and the council of every city," and substituting for the words "within its limits" in the seventh line of the said section the words "within or adjacent to its limits." 55 V., c. 42, s. 637*a* amended.

2. The said section 637*a* is further amended by adding thereto the following sub-sections:— 55 V., c. 42, s. 637*a* amended.

(*d*) The debentures to be issued for any such bonus may be issued at such time or times as may be provided in any by-law granting the bonus, and the issue thereof may be postponed until the conditions contained in such by-law have been fulfilled, or until such other time or times as may be provided for in the by-law. Debentures issued in aid of non-smelting works.

(*e*) Any municipality granting aid by way of bonus for smelting works, may, for the promotion of such smelting works acquire lands within or adjacent to its limits, and may convey such lands to any person or corporation subject to such conditions as the municipality may deem expedient. Acquiring lands for smelting works.

No. 182.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Municipal Act.

First Reading, 16th May, 1893.

Mr. AWREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 183.] BILL. [1893.

An Act relating to the Central Prison.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may order account to be opened with a bank for the prison industries.

1. For more efficiently carrying on the industries at the Central Prison, the Lieutenant-Governor may cause an account to be opened in any chartered bank in the name of the "Central Prison Industries," with a credit from year to year to cover what may be required for the year for the purposes of the business in connection with the said industries, not exceeding the estimated sales of the year as these shall have been reported to the House by the inspector and the Minister in charge.

Terms on which account may be opened.

2. The said account shall be conducted on such terms as to rates of interest and payment of advances as may be arranged with the bank and as shall be specified by Order in Council.

Drafts on account.

3. The said account shall be drawn upon in the manner hereinafter provided.

Moneys received for goods sold to be deposited.

4. All moneys received by the Central Prison for and on account of goods sold of whatever kind shall be deposited from day to day in the bank to the credit of the said account.

Cheques how signed and countersigned.

5. All cheques drawn on the said account must be signed by the warden and bursar of the prison, and countersigned by the inspector and Provincial Secretary.

Bill to be attached to cheque when presented for signature.

6. Every cheque drawn upon the said account shall when presented to the several officers for signature have attached thereto for the information of such officers, the original bill, or a duplicate or certified copy of the original bill, for payment of which the cheque is issued the said bill having been theretofore certified by the accountant to be correct.

Balance at end of year to be paid to treasurer.

7. At the end of each year there shall be paid over to the Provincial Treasurer the balance of the moneys standing at the credit of the said account.

Audit.

8. The provincial auditor shall audit the industrial accounts of the Central Prison at least every three months.

No. 183.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act relating to the Central Prison.

First Reading, 16th May, 1893.

Mr. GIBSON,
(*Hamilton.*)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 184.] **BILL.** [1893.

An Act to amend The Consolidated Municipal Act, 1892.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 344 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sub-sections :— 55 V., c. 42, s. 344 amended.

(4) Provided always that the council of any county may by by-law or by-laws, passed at any meeting of such council without submitting the same for the assent of the electors of such county for contracting such debt, raise such sum of money as may be required, not exceeding at any one time one per cent. of the assessed valuation of the county as shown by the last revised assessment roll, for the purchase of toll roads in the county and the improvement of other roads not being toll roads in the county. Such money shall be expended in the various minor municipalities in proportion to their equalized assessment in the purchase of toll roads and improvement of other roads, and the county council may expend the same either through its own officers or through the municipal councils of the minor municipalities. Powers of county councils as to raising money for purchase of toll roads.

(5) The councils of cities and of towns separated from the county may, in cases where they desire to contribute to the purchase of toll roads in which they are interested, in a similar way raise an amount in proportion to that raised by the county, without submitting the by-laws to the electors. Powers of councils of cities and towns.

2. The council of every county, township, city, town or incorporated village through or adjoining which any toll road passes may enter into an agreement with the owner or owners of such toll road to expend on such road such statute labour or such sum of money as may be agreed upon for a limited number of years, and at the end of the term of years agreed upon such toll road shall be made free and shall become the property of the municipality or municipalities in which the same is situate. Power to agree with owners of toll road as to the expenditure of statute labour thereon.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act to amend The Consolidated Municipal Act, 1892.

First Reading, 16th May, 1893.

Mr. McLENAGHAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 185.] BILL. [1893.

An Act respecting Building Societies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the *Act Respecting Building Societies*, is amended by adding thereto the following as sub-section 3:— Rev. Stat. c. 169, s. 2, amended.

3. No society hereafter constituted or incorporated under this section shall have power to loan money or to transact a loaning business or carry on its operations outside the limits of the county in which the society is constituted or incorporated. Building societies not to carry on certain classes of business.

No. 185.

3rd Session 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Building Societies.

First Reading, 17th May, 1893.

Mr. GIBSON,
(*Hamilton*).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 186.] BILL. [1893.

An Act respecting certain Municipal By-laws.

Preamble.

WHEREAS a large part of the legislation of municipal councils in this Province consists of by-laws for raising money to pay for works or improvements payable wholly or in part by special local assessment upon the real property specially benefited by such works or improvements; and whereas owing to certain statutory requirements and authority such by-laws as a rule contain certain clauses which might be incorporated therein by reference or schedule instead of being set out in full in every such by-law thereby causing needless prolixity and expense.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Words in column one of schedule when used to have same effect as words in column two.

1. Where a by-law expressed to be made in pursuance of this Act or referring thereto, passed by any municipal council for borrowing money by the issue of debentures secured by local special rates on the property benefited thereby, contains any of the forms of words contained in column one of schedule "B" hereto annexed and distinguished by any number therein, such by-law shall be taken to have the same effect and be construed as if it contained the form of words contained in column two of said schedule "B," and distinguished by the same number as is annexed to the form of words used in such by-law, but it shall not be necessary in any such by-law to insert any such number.

Effect of by-laws failing to take effect under Act.

2. Any by-law which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the corporation, the council of which had passed such by-law as if this Act had not been passed.

Schedules incorporated under Act.

3. The schedules hereto and the directions and forms therein contained shall be deemed parts of this Act.

SCHEDULE "A."

Form of By-law under Section 1 down to the enacting sections thereof.

A By-law to provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on King Street between Yonge Street and Church Street, in ward number two, for the paving of said portion of said street.

(Passed 18 .)

Whereas, upon the recommendation of the city engineer and in the opinion of the council of the corporation of , it became desirable and necessary to pave with asphalt paving and stone curbing part of King street, between Yonge street and Church street, in ward number two of this as a local improvement, the said council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon King street, within the limits hereinafter described, pursuant to the provisions of the statutes in that behalf;

And whereas although duly notified as aforesaid, the majority of the owners of such real property, representing at least half in the value thereof, have not petitioned the said council against the said work and assessment;

And whereas it has been ascertained and determined that the real property comprised within the following limits, that is to say:—

1. Commencing at a point on the north side of King street, at its intersection with the east side of Yonge street; thence easterly parallel with the north side of King street, feet, more or less, to the west side of Church street, being the frontage on the north side of King street, from Yonge street to Church street, producing, after deducting the width of feet for street intersections and exempt properties, as shown by report of city engineer, feet, more or less, of frontage assessable on the north side of the street.

2. Commencing at a point on the south side of King street, at its intersection with the east side of Yonge street; thence easterly parallel with the south side of King street feet, more or less, to the east side of Church street, being the frontage on the south side of King street, from Yonge street to Church street, producing, after deducting the width of feet for street intersections and exempt properties as shown by the report of the city engineer, feet, more or less, of frontage assessable on the south side of the street; or, a total of feet, more or less, of assessable

property on both sides of King street, aforesaid, immediately, directly, equally and specially benefitted by the said improvement;

And whereas the total assessed value of the said property is $

And whereas the said pavement has been laid, and the total cost thereof is the sum of $, of which amount the city disburses the sum of $, being the cost of laying down the said pavement opposite the said street intersections and exempt properties; and the remaining $ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law;

And whereas it will require the sum of $ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of $ to be raised annually during the said period for the payment of the debt to be created by this by-law, such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of $ to be raised annually as aforesaid.

And whereas there are feet of frontage of the said assessable real property on both sides of King street, within the limits aforesaid, according to the said description, immediately, directly, equally and specially benefited by the said improvement and work, upon which it will be required to charge an annual special rate per foot, sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of $ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only;

And whereas it is expedient to raise the said sum of $ by debentures of the corporation of to defray that part of the expense of said work payable by local special rates.

Therefore the municipal council of the corporation of enacts as follows:—

SCHEDULE "B."

Directions as to the forms in the Schedules.

1. Insert in the blanks in the short forms the number of years the rate is to be raised, the sum to be raised for interest

and sinking fund, the rate to be imposed on each foot and other particulars.

Column One.	*Column Two.*
1. During years $ shall be raised for interest and $ for debt, making together $.	1. During years, the currency of the debentures to be issued under the authority of this by-law, the sum of $ shall be raised annually for the payment of interest on said debentures, and also the sum of $ shall be raised annually for the payment of the debt, making in all the sum of $ to be raised annually as aforesaid.
2. A special rate of per foot is imposed on each foot of above described property to produce $ and shall be collected by collector of taxes as other rates.	2. A special rate of per foot is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the said sum of $, and shall be annually inserted on the collector's roll for ward number two in each year for the next succeeding years and shall be payable to and collected by in the same way as other rates on the said roll.
3. During years commencing with 189 above described property shall be exempt from general rates for improvements.	3. During the period of years, commencing from and after the first day of January, A.D. 189 , the said above described real property shall be exempt from all general rates or assessments for improvements and works similar to those above mentioned, save and except the cost of similar works and improvements at the intersection of streets, and except such portion of the general

rate as may be imposed to meet the cost of like works and improvements opposite real property which is exempt from such special assessment.

4. $ shall be raised by loan on above special rate and debentures therefor shall issue.

4. The sum of $ shall be raised by loan by this corporation on the security of the special rate hereby imposed, and on that security only ; and debentures amounting to the sum of $ shall be issued by the said corporation therefor.

5. Debentures shall be payable years after issue, and shall bear per cent. interest.

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.

6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works and in no other way and for no other purpose whatsoever.

7. Owners may commute assessment by paying per foot in first year and a proportionately reduced rate for the years collected.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her or their proportionate share or shares of the cost thereof as a prin-

cipal sum in lieu thereof, he, she or they may so commute by the payment of
per foot on his, her or their property on street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

8. Moneys received from special rate or commutation to be invested.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law, shall be invested by the treasurer of this municipality from time to time as the law directs.

9. Debentures shall contain provision of section 410 of *The Consolidated Municipal Act, 1892.*

9 Every debenture to be issued hereunder shall contain a provision in the following words :—"This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of said corporation of .

10. Debentures shall be subject to consolidation.

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improve-

ment by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law to take effect now.

11. This by-law shall come into operation and take effect on the day of the passing hereof.

No. 186.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act respecting certain Municipal By-laws.

First Reading, 17th May, 1893.

Mr. MEREDITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 187.] BILL. [1893.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 48 amended.

1. *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following, as section 14*d*:—

Assessors to make lists of children between 5 and 21 years of age.

14*d*. The assessors of every municipality shall make an annual census of all the children in the municipality between the ages of five and twenty-one years, and the clerk shall report such census to the public school inspector and to the secretary of the board of trustees. In the case of townships the clerk shall report to the inspector of the division and to the secretary of each school section.

No. 187.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act to amend The Assessment Act.

First Reading, 17th May, 1893.

Mr. BALFOUR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 188.] **BILL.** [1893.

An Act for the better Protection of Free Libraries.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Janitor may be appointed special constable.

1. The county judge, upon the request of the board of any free library within his jurisdiction, may appoint the janitor to be, while holding such office, a special constable, and such special constable shall have the special duty of preserving the peace in the rooms of the library, and in the building in which the library is situate, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have, generally, all the powers and privileges, and be liable to all the duties and responsibilities which pertain to the office of a constable. (R. S. O., c. 189.)

No. 188.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act for the better Protection of Free Libraries.

First Reading, 18th May, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON.

No. 189.] **BILL.** [1893.

An Act for the better prevention of certain Diseases affecting Fruit Trees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Yellows and Black Knot Act, 1893.* (*New.*) Short title.

2. *The Act to prevent the spread of Noxious Weeds and of diseases affecting Fruit Trees*, and the Acts passed in amendment thereof in the 53rd and 54th years of Her Majesty's reign are repealed so far as the said Acts relate to the diseases known as "yellows" and "black knot" in certain fruit trees. (*New.*) Rev. Stat. c. 202, and 53 V. c. 59 and 54 V. c. 48 repealed in part.

3. It shall be the duty of every occupant of land, or if the land be unoccupied it shall be the duty of the owner:— Duty of owners and occupants of land.

(1) To cut out and burn all black knot found on plum or cherry trees on his land so often each year as it shall appear on such trees; and

(2) To cut down and burn any peach, nectarine or other trees on his land infected with the disease known as the yellows, and to destroy all the fruit of trees so infected. R.S.O. c. 202, s. 2, *part*; 54 V. c. 48, s. 1.

4.—(1) The council of any city, town, township, or incorporated village, may, and upon a petition of fifteen or more ratepayers, shall by, by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties, and in case a vacancy shall occur in the office of inspector, it shall be the duty of the council to fill the same forthwith; and the council shall also by by-law appoint three or more persons resident in the municipality, who shall constitute the board of fruit tree inspection, to which appeals shall lie from the order or decision of the said inspector. R. S. O. c. 203, s. 3 (2) *amended.* Appointment of inspectors and board of fruit tree inspection.

(2) The council may pass a by-law dividing the municipality into such sections or divisions as may be necessary for the carrying out of this Act, and may appoint inspectors for such divisions whose duties and powers shall in all respects be the same as that of the township inspector. 55 V. c. 59, s. 1.

Inspector to proceed upon written complaint.

5. If written complaint be made to the inspector that yellows or black knot exists within the municipality, in any locality described in such complaint, with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall immediately give notice in writing to the owner or occupant of the land whereon the affected trees are growing, requiring him within five days from the receipt of the notice to deal with such trees in the manner provided by section 4 of this Act. R. S. O. c. 202, s. 8.

Inspector to ascertain and report as to existence of diseases.

6.--(1) It shall be the duty of every inspector appointed under this Act, by personal inspection to ascertain from time to time whether either of the diseases mentioned in this Act, exists in the municipality, and to report thereon at least once a year to the municipal council, and wherever he is satisfied of the presence of either disease he shall proceed in the same manner as in case of a complaint made under section 5 of this Act. *New.*

Report to be sent to Minister of Agriculture.

(2) A copy of the annual report of the inspector shall be forwarded by the clerk of the municipality to the Minister of Agriculture.

Appeal to board of fruit tree inspection.

7.—(1) An owner or occupant to whom notice has been given by the inspector, under section 5 of this Act, may appeal therefrom, within the five days limited therein, to the board of fruit tree inspection of the municipality.

Notice of appeal.

(2) The owner or occupant so appealing, shall, within the said five days, give notice in writing to the inspector that he requires an examination of the trees, in respect of which complaint is made, by the board of the fruit tree inspection and shall name the day and hour at which the examination will take place.

Notice to board to attend and examine trees.

(3) The person appealing shall also forthwith give notice in writing to each member of the said board that he requires the attendance of the said board at the time and place named for the examination of the said fruit trees, and the date so fixed shall be not less than three days after the service of notice on the inspector and on the last member of the board so served.

Examination by board.

(4) At the day and hour named in the notice of appeal, the said board or a quorum thereof shall attend and examine the trees in question and determine whether or not the notice given by the inspector to the owner or occupant, under section 5 of this Act, was rightly given and the decision of the said board or of a majority of the members present shall be final.

Quorum of board.

(5) Three members of the said board shall constitute a quorum.

(6) The decision of the board shall be in writing, signed by the members agreeing thereto, and a duplicate thereof shall be given to the person appealing and to the inspector, and pending such decision all proceedings against the owner or occupant appealing shall be stayed and if the said board decides that the notice given by the inspector was wrongly given and was unnecessary no further proceedings shall be taken thereon. Decision by board.

(7) Each member of the said board shall be entitled to receive $2 for every examination made by him under this section, and the same shall be paid by the owner or occupant appealing if the board decides that the notice of the inspector was rightly given, or by the municipality if the board decides that such notice was wrongly given, and the amount of said fees shall be stated in the written decision of the board, and shall be a debt due to the board from the party so found liable, recoverable in any division court having jurisdiction. Fees of board.

9.—(1) Any owner or occupant of land who, after notice given by the inspector, as provided by section 4, suffers any black knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or the fruit of trees so infected, shall upon conviction, be liable to a fine of not less than $5 and not more than $20 for every such offence. R. S. O. c. 202, s. 10 (1) *part.* Penalties.

(2) Any person who knowingly offers for sale or shipment or sells or ships the fruit of trees infected with yellows, shall, upon conviction, be liable to a fine of not less than $5, nor more than $20. R. S. O. c. 202, s. 10 (3).

(3) Every inspector who refuses or neglects to discharge the duties imposed on him by this Act, shall, upon conviction, be liable to a fine of not less than $10 nor more than $20. R. S. O. c. 202, s. 10 (4) *part.*

10. Every offence against the provisions of this Act shall be punished, and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any justice of the peace; and one-half of every fine imposed shall be paid to the inspector or other person laying the information, and one-half to the treasurer of the municipality in which the offence is committed, for the use of the municipality. R. S. O. c. 202, s. 11, *amended.* Application of penalties.

11. The council of every municipality shall require its inspector or inspectors to faithfully discharge all their duties under this Act. R. S. O. c. 202, s. 12, *part.* Council to require inspectors to perform their duties.

No. 189.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act for the better prevention of certain Diseases affecting Fruit Trees.

First Reading, 19th May, 1893.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 190.] BILL. [1893.

An Act for the better prevention of Fraudulent Statements as to Joint Stock Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Penalty for false statements as to the capital of companies.

1. Where any advertisement, letter-head or account, issued by any company or any officer or employee thereof, purports to state the capital of the company, the capital actually subscribed in good faith, and no more shall be stated, and any company, officer or employee who causes to be inserted an advertisement in any newspaper or issue any advertisement, letter or account which states as the capital of such company, any larger sum than the amount of such capital actually subscribed in good faith, shall for each such offence forfeit the sum of one hundred dollars to be recoverable with costs in any court of competent jurisdiction, by any person who may sue therefor.

Commencement of Act.

2. This Act shall go into force on the 1st day of January, 1894.

No 190.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act for the better Prevention of Fraudulent Statements as to Joint Stock Companies.

First Reading, 20th May, 1893.

Mr. BISHOP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 191.] **BILL.** [1893.

An Act respecting the Judges of the Supreme Court of Judicature for Ontario.

Preamble.

WHEREAS several of the judges of the Supreme Court of Judicature for Ontario have for many years received an annual allowance from this Province of $1,000 as heir and devisee commissioners, and from 1869 until 1879, inclusive, this allowance had been made to all the judges; and whereas divers other important duties have, from time to time, been assigned by the Provincial Legislature to the judges of the said Supreme Court of Judicature for Ontario outside of litigious matters and the ordinary duties of the said judges, including amongst other particulars, duties connected with Provincial Election Trials, Estate Bills, regulations to govern the practice of the Surrogate Courts, County Courts and Division Courts, as well as the practice of the respective branches of the said Supreme Court; and whereas, having reference to the present salaries of the said judges under Dominion legislation, it is reasonable for this Province henceforward to extend to all the said judges the said annual allowance of $1,000, in acknowledgement of their services in the said matters and otherwise, the said allowance being deemed to include their services as members of the heir and devisee commission, their travelling expenses in election trials, and all other services which by any past or future Provincial Legislation they may from time to time be called on to render in addition to their ordinary duties;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Annual payment of $1,000 to judges of Supreme Court of Judicature for Ontario.

1. There shall in the present year and thereafter be paid to to each and every judge of the Supreme Court of Judicature for Ontario out of the Consolidated Revenue of the Province the annual sum of one thousand dollars until an addition of that sum is made to their present salaries by the Parliament of Canada; or in case of an addition being so made of a less sum than one thousand dollars, there shall be paid to each and every of the said judges out of the Consolidated Revenue of of the Province an annual sum equal to the differences between the said sum so added and the said sum of one thousand dollars.

No. 191.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL

An Act respecting the Judges of the Supreme Court of Judicature for Ontario.

First Reading, 22nd May, 1893.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON
Printer to the Queen's Most Excellent Majesty.

No. 102] **BILL.** [1893.

An Act respecting certain Grants to the Industrial School Association of Toronto.

Preamble.

WHEREAS by two certain grants by Her Majesty, bearing date respectively the 12th day of June, 1885, and the 7th day of June, 1892, a portion of lot number 7, in the first and second meridional concessions of the township of Etobicoke, in the county of York, containing by admeasurement 16 22-100 of an acre, or thereabouts, was conveyed to the Industrial School Association of Toronto; and, whereas, doubts have arisen as to whether the said lands should be disposed of under the provisions *The Public Lands Act*, or under those of the *Act respecting the Public Works of Ontario*, and it is expedient to remove the said doubts.

Rev. Stat. c. 24.
Rev. Stat. c. 33.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Grants to Industrial School Association of Toronto affirmed.

The grants made to the Industrial School Association of Toronto conveying certain lands forming part of lot number 7 in the first and second meridional concessions of the township of Etobicoke in the county of York, which said grants bear date respectively the 12th day of June, 1885, and the 7th day of June, 1892, are hereby confirmed.

No. 192.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting certain Grants to The Industrial School Association of Toronto.

First Reading, 22nd May, 1893.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 193.] **BILL.** [1893.

An Act to amend The Industrial Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act incorporated with Rev. Stat. c. 234.

1. This Act shall be read as part of and in connection with chapter 234 of the Revised Statutes of Ontario, 1887, entitled *An Act respecting Industrial Schools.*

Rev. Stat. c. 234, s. 27 repealed.

2. Section 27 of the said Act is hereby repealed.

Amount of aid.

3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every industrial school complying with the requirements of this Act and of all orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say, 7 cents for each day's actual stay of every pupil admitted to, or being within such institution during the calendar year next preceding the year for which such aid is given.

Further aid.

Proviso. Limit of amount of aid.

4. In every year, every such institution shall also be entitled to have and receive from such public funds, further aid to the extent and amount of three cents per pupil per day providing the aggregate amount of such further aid, at the rate aforesaid, shall not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year from all sources other than the Province, towards the ordinary yearly maintenance thereof, and in every such case, where said further aid in the aggregate would exceed said one-fourth of the last mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of the last mentioned moneys. R. S. O. 1877, c. 223, s. 4.

How amount to be calculated.

5. In calculating the amount of aid so to be given under this Act to any institution as aforesaid, the day of departure of any pupil from such institution shall not be counted or reckoned. R. S. O. 1877, c. 223, s. 5.

Penalty in case of false return.

6. Any person who knowingly and wilfully makes, or is a party to, or procuring to be made, directly or indirectly, any false return, either under this Act or any Order in Council, shall thereby incur a penalty of $1,000, which penalty may be recovered, with costs, by civil action or proceeding, at the

suit of the crown only, in any form allowed by law, and before any court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. R. S. O. 1877, c. 223, s. 10.

Inspector.

7. The inspector of prisons and public charities shall, by virtue of his office, have the right to inspect every institution receiving aid under this Act. R. S. O. 1877, c. 223, s. 11.

Duties of inspector.

8. The inspector shall, from time to time, visit and inspect every industrial school and make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. R. S. O. 1877, c. 223, s. 12.

No. 193.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Industrial Schools Act.

First Reading, May, 1893.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 194.] BILL. [1893.

An Act respecting Sales for Taxes in the Free Grant Territory.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Land purchased at tax sale not to exceed limit fixed by Rev. Stat. c. 25.

1. No person shall be entitled to purchase at a sale for taxes, or from a local municipality, under sub-section 3 of section 170 of *The Consolidated Assessment Act*, more unpatented land in the free grant districts than a locatee is entitled to hold under *The Free Grants and Homesteads Act*.

Sales not to be made when taxes less than $10 or no improvements made.

2. No sale for taxes shall be made of unpatented land in the free grant districts when the taxes due thereon are less than $10 nor when no *bona fide* improvements have been made by or on behalf of the locatee.

Lands purchased to be subject to conditions of Rev. Stat. c. 25.

3. All lands in the free grant districts purchased under sale for taxes shall be subject to all the terms and conditions as to settlement or otherwise required by *The Free Grants and Homesteads Act*, unless under special circumstances the Commissioner of Crown Lands shall see fit to dispense therewith in whole or in part.

No. 194.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Sale for Taxes in the Free Grant Territory.

First Reading, May, 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 195.] BILL. [1893.

An Act to amend The Jurors' Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act passed in the 55th year of Her Majesty's reign chaptered 13 is repealed. 55 V., c. 13, repealed.

2. It shall not be necessary for the sheriff of the county of York, the sheriff of the city of Toronto, the senior judge of the county of York, a junior judge of said county, the warden of said county and the mayor of the said city, to attend together upon the selection of jurors to serve in the High Court and inferior courts; but the sheriff of the county of York, the senior judge of said county and the warden of said county shall attend at such selection of jurors so far as it is made from the lists prepared by the selectors for the local municipalities in the county of York other than the city of Toronto; and the sheriff of Toronto, the senior junior judge of the said county, and the mayor of the city of Toronto shall attend at such selection of jurors so far as it is made from the list prepared by the selectors for the city of Toronto. And any selection of jurors so made shall be deemed in all respects valid and effectual and a sufficient compliance with the provisions of *The Jurors Act*. Selectors whose attendance is hereby made unnecessary shall not be entitled to fees for such unnecessary attendance. Selection of Jurors for city of Toronto and county of York. Rev. Stat. c. 52.

No. 195.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act to amend The Jurors' Act.

First Reading, May, 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 196.] **BILL.** [1893.

An Act respecting Tax returns and Tax sales in Muskoka and Parry Sound.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Where treasurer has neglected to make returns.

55 V. c. 48.
52 V. c. 17.

1. Where, through malfeasance in office or neglect of duty the treasurer of any township, town or village in the districts, of Muskoka or Parry Sound, has not furnished the sheriff, with a statement of unpaid taxes, as required under the provisions of *The Consolidated Assessment Act, 1892*, and the *Act to make further provision respecting the Districts of Muskoka and Parry Sound*, it shall be lawful, notwithstanding anything contained in the said Act, for the treasurer of such township, town or village to furnish such statement on or before the first day of July, one thousand eight hundred and ninety-three, showing all lands in arrear for taxes, with each year's arrears stated separately, and stating (where known) the owner's name and address, and proceedings, in case of sales for arrears of taxes may be carried on under the Act upon such statement as if the proper returns had been made and the necessary formalities required under the Act in respect thereof had been complied with.

No. 196.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act respecting Tax Returns and Tax Sales in Muskoka and Parry Sound.

First Reading, May, 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 197.] **BILL.** [1893.

The Municipal Amendment Act, 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 38 of *The Consolidated Municipal Act, 1892*, is amended by striking out the figures "17,000" in the fourth line of the said section, and inserting instead thereof the figures "25,000," and by adding thereto the following sub-section:— 55 V. c. 42, s. 38 amended.

(2) In case the returns mentioned in the preceding sub-section show that such junior county contains less than 25,000, but more than 17,000 inhabitants, then two-thirds in number of the reeves and deputy-reeves of such county may take the same proceedings for a separation from the union as a bare majority is empowered to take in cases provided for under the said preceding sub-section.

2. Section 77 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sub-section:— 53 V. c. 42, s. 77, amended.

(3) Provided that no person shall be disqualified from being elected a member of any municipal council by reason only that a part of his property is exempt from taxation if such person is assessed for sufficient other property in the municipality, liable to taxation, to qualify him for such office, but no such person shall vote on any question affecting such property exempt from taxation. Nothing herein shall relieve a person having a contract with the municipality from the disqualification which now exists, to be elected a member of the council thereof. Exemption from taxation not to disqualify for election to councils.

3. *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following as section 250*a*. 55 V. c. 42, amended.

250*a*. The provisions contained in this section shall, on and after the first day of January, 1894, be in force in every county, city, town and incorporated village in this Province except in so far as they shall be altered, amended or declared not to be in force in the municipality by the council thereof. Enactments in section to be in force until altered by by-law.

(1) The treasurer shall keep a book to be known as the "cash-book," on the left-hand page of which he shall enter in consecutive order all sums of money received by him, the dates of the receipt thereof, the names of the persons from whom and on what account the same were received and the Books to be kept by treasurers, etc.

amounts thereof, and on the right-hand page of which he shall in like order enter all moneys paid out by him, the dates of the payment thereof, the persons to whom and on what account the same were paid and the amounts thereof.

(2) The cash-book shall at all times be open for inspection by any member of the council and by the auditors, and shall be produced and exhibited at all meetings of the council at which he shall be directed to produce it, and at the times of such meetings it shall show the balance on hand in two items —that is to say, (1) the balance deposited to the credit of the municipality; and (2) the balance in the hands of the treasurer, and the treasurer shall also produce and exhibit at every such meeting the proper book verifying the balance so deposited.

(3) No entry other than a cash entry shall be made in the cash-book, but the treasurer shall keep a book to be known as the "journal," in which he shall duly enter all debits and credits not consisting of cash.

(4) The term "cash" shall mean lawful currency of Canada, cheques and such other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(5) The treasurer shall open an account in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as shall be approved of by the council, and shall deposit all moneys which shall be received by him to the credit of such account.

(6) The cash-book and journal shall be provided at the expense and shall be the property of the municipality.

55 V. c. 42, s. 255, amended.

4. Section 255 of the said Act is amended by striking out all the words therein down to and including the word "commissioner" in the fifth line thereof, and by inserting in lieu thereof the following words:—"In cities and towns the council, instead of appointing assessors, under the preceding section, may appoint one or more assessment commissioners, who shall nominate such assessors and valuators as he or they may consider necessary, and thereupon the said council may appoint such assessors and valuators, and the said commissioner or commissioners."

55 V. c. 42, amended.

5. *The Consolidated Municipal Act, 1892,* is amended by adding thereto the following as section 286*a*:—

Powers of municipalities as to telephone companies.

286*a*.—(1) The council of every city, town and incorporated village may pass by-laws upon such terms and conditions as may be thought expedient, granting from time to time to any telephone company the exclusive right within the municipality, for a period not exceeding five years at any one time, to use streets and lanes in the municipality for the purpose of placing in, upon, over or under the same, poles, ducts and wires for the

purpose of carrying on a telephone business, and on behalf of the municipal corporation may enter into agreements with any such company not to give to any other company or person for such period any license or permission to use such streets or lanes for any such purpose, provided that no such by-law shall be passed, nor shall any such agreement be entered into without the assent of two-thirds of the members of the council of the municipality, being present and voting thereon.

Rights of existing companies not affected

(2) Nothing in the preceding sub-section contained or done by virtue thereof shall limit or prejudicially affect any existing rights of any telephone company with respect to the use of streets or lanes for the purposes aforesaid, nor shall the said preceding sub-section or any by-law heretofore passed or agreement heretofore made prevent any municipal council from granting to any person permission to use streets or lanes for the purpose of a private telephone line for the use of such person, his servants, clerks or agents.

(3) For the removal of doubts it is hereby declared that all by-laws passed and all agreements made prior to the 17th day of May, 1893, for the granting of exclusive rights mentioned in sub-section 1 for any period not exceeding ten years are hereby declared to be as valid and binding as they would have been if the said municipalities had had power to grant such exclusive rights.

(4) No order heretofore made for payment of costs in any action or proceeding now pending shall be varied or reversed on appeal on account or by reason of the confirmation by this Act of the by-law or agreement of the validity whereof is in question in such action or proceeding.

55 V. c. 42, s. 293, sub-s. 2, amended.

6. Sub-section 2 of section 293, of *The Consolidated Municipal Act, 1892*, is amended by inserting the words "or neighbouring," after the word "adjoining" in the fourth line thereof.

55 V. c. 42, s. 329, amended.

7. Section 329 of the said Act is amended by inserting the words "or neighbouring" after the word "adjoining" in the eighth line thereof.

55 V. c. 42, s. 373, amended.

8. Section 373 is amended by adding the following as sub-sections 4 and 5 of said section.

Treasurer to state annually amount required to be levied for sinking fund.

(4) In every municipality in which any sum of money is required by law to be raised toward a sinking fund, it shall be the duty of the treasurer thereof to prepare and lay before the council in every year previous to the levying of the annual rate, a statement showing what amount or amounts will be required for the purpose, and any treasurer making default in the performance of the duty imposed by this sub-section, shall be liable to a penalty not exceeding $25, to be recovered as are other penalties under this Act, at the instance of any ratepayer resident in the municipality.

Liability of members of council neglecting to levy for sinking fund.

(5) In the event of the council of any municipality neglecting in any year to levy the amount required to be raised under this or any other Act to provide a sinking fund for the payment of the debenture debt of the municipality, every member of the council shall be disqualified from holding any municipal office for the period of two years, but no member of the council shall be liable to the penalty hereby imposed, who shows to the satisfaction of the court or judge that he made reasonable efforts to procure the levying of the rate for the said sinking fund.

55 V. c. 42, s. 413, repealed.

9. Section 413, of the said Act is repealed, and the following substituted therefor:—

Borrowing sums for current expenditure.

413. The council of any municipality may by by-law authorize its head, or acting head, with the treasurer thereof, to borrow from any person or bank such sums as the council may deem necessary to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council by such by-law shall regulate the amounts to be so borrowed, and define the notes, cheques, covenants or agreements or other vouchers to be given in security therefor; provided always that the person or bank lending such amount shall not be bound to establish the necessity for borrowing the same.

55 V. c. 42, s. 436, sub-s. 2, repealed.

10. Sub-section 2 of section 436 of *The Consolidated Municipal Act, 1892*, is repealed and the following substituted therefor:—

Powers of commissioners of police and councils as to livery stables, etc.

(2) The board of commissioners of police, and the council of any city in which there is no board of commissioners of police, may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable or sale or boarding stable, shall be established or maintained.

(2*a*) The board of commissioners of police, or the council of any city in which there is no board of commissioners of police, may pass by-laws defining areas or districts and localities in the city within the limits of which no stable shall hereafter be established in which horses are to be kept for hire or express purposes.

55 V. c. 42, s. 479, sub-s. 2 amended.

11. Sub-section 2 of section 479 of *The Consolidated Municipal Act 1892*, is amended by inserting after the words "Game Inspectors" the words "Inspector of sheep worried or killed by dogs."

55 V. c. 42, s. 479, sub-s. 12 amended.

12. Sub-section 12 of section 479 is amended by adding at the end thereof the following words:

Power to take security for grants made to individuals for charitable purposes.

"Where a municipal corporation advances money by way of charity or relief to a person who, although in destitute circumstances is the owner of or interested in any land the

retention whereof is necessary for a dwelling for the person receiving such relief, it shall be lawful for such corporation to take a conveyance of or security on such land to cover the amount of such charity or relief, and on the death of the person in receipt of such charity or relief, or the surrender of said land by such person to the corporation, the corporation may sell or dispose of said land and apply the proceeds in payment of the amount so expended in charity or relief with interest thereon at six per cent. per annum, together with the costs of realizing on said land. The balance of such proceeds, if any, shall go to the next of kin or devisee of such person."

13. Section 479 of *The Consolidated Municipal Act of 1892*, is amended by adding thereto the following sub-section: 53 Vict., c. 42 s. 479, amended.

(30) For giving and paying bounties not exceeding $5 per head for the destruction of foxes and other wild animals which kill or destroy poultry. Bounties for destruction of foxes, etc.

14. Section 480 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following as sub-section (6):— 55 V. c. 42, s. 480, amended.

(6) The council of the corporation of any municipality having a population of 100,000 and which owns a system of waterworks and desires to improve its supply of water either as to quantity or quality, may, subject to the approval of the Lieutenant-Governor in Council, contract with persons proposing to become duly incorporated for the purpose or with any body corporate for such supply of water as the nature and circumstances of the case may require, and may by by-law specially enacted for that purpose, confer upon such persons when duly incorporated, or on such body corporate, with whom such contract shall be made, all the compulsory powers which such municipal corporation may enjoy as regards the entering upon and taking of lands and the appropriation and use of water and sources of water supply. Powers of municipalities as to contracting for additional water supply.

15. Sub-section 9*a* of section 489 of *The Consolidated Municipal Act 1892*, is amended by adding thereto the following: 55 V. c. 42, s. 489, sub-s. 9*a* amended.

"Provided, nevertheless, that the license fee imposed by any by-law of any town or incorporated village situate within any of the judicial or territorial districts of the Province, may be a sum not exceeding for towns $250, and for incorporated villages $200."

16. Sub-section 16 of section 489 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following words: "and for seizing and impounding dogs running at large contrary to the by-laws, and for selling the dogs so impounded or any of them at such time or times and in such manner as may be directed by any by-law in that behalf." 55 V., c. 42, s. 489, sub-s. 16, amended.

55 Vict. c, 42 s. 489, amended.

17. Section 489 of the said Act is amended by adding thereto the following as sub-section 44*a*.

Slaughter-houses.

44*a*. For establishing public slaughter houses and for preventing, regulating and inspecting the erection or continuance of slaughter-houses and for prohibiting the slaughter of animals intended for food except in slaughter-houses designated in the by-law.

55 V., c. 42, s. 495, sub-s. 12, amended.

18. Sub-section 2 of section 495 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following: "but no such by-law shall apply to or affect a bailiff offering for sale goods or chattels seized as a distress for rent; and such bailiff shall not require any license to entitle him to sell such distrained goods or chattels by public auction to satisfy such rent and the cost of seizure and sale."

53 V. c. 42, amended.

19. *The Consolidated Municipal Act, 1892*, is amended by inserting therein after section 495 the following as section 495*a* :—

Powers of towns not separated from counties as to hawkers' and pedlars' licenses.

495*a*. The council of any town not separated from a county for municipal purposes, may pass by-laws to carry into effect the purposes or objects of sub-section 3 of the preceding section, and may therein declare that county by-laws passed under the said sub-section, shall not apply to or be in force in said town while the said by-law of the town remains in force, and thereafter no such county by-law shall have effect in the said town.

55 V. c. 42, s. 504, amended.

20. Section 504 of *The Consolidated Municipal Act, 1892* is amended by adding after sub-section 10 thereof the following as sub-section 10*a*.

Leasing property acquired for industrial farms, etc.

10*a*. For the granting of any lease or leases to any person firm or corporation for any period not exceeding three years from the commencement of possession of any part or parts not immediately required of landed property so acquired.

55 V. c. 42, s. 496, sub-s. 12, repealed.

21. Sub-section 12 of section 496 of *The Consolidated Municipal Act, 1892*, is repealed and the following substituted therefor :—

Rewards to firemen and persons distinguishing themselves at fires.

(12) For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who may have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and to grant pecuniary aid or other assistance to the widows of persons who may be killed while in the discharge of their duties by accident at fires, or who may die from injuries received or from sickness contracted while in the service of the corporation as firemen.

22. Sub-section 21 of section 521 of the said Act is repealed. 55 V., c. 42, s. 521, sub s. 21 repealed.

23. Section 533*a* of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sub-section :— 55 V., c. 42, s. 533*a*, amended.

(10) The council of any united counties may, by by-law to be passed with the assent of two-thirds of the whole council, provide that when the united counties are required under this section to aid the construction or maintenance of any bridge or bridges situate within any one of the united counties, the council shall pay to the local municipality or municipalities the sum or sums agreed upon or awarded, and any costs which they may be required to pay, and shall thereafter from time to time, as occasion may require, pass the necessary by-law or by-laws for levying the same in the same or following year, from or upon the several municipalities of the county in which the bridge or bridges in respect of which such payment has been made, is situate. Bridges in United Counties.

24. Sub-section 3 of section 535 of the said Act is amended by inserting the words "form or" after the word "ponds" in the seventh line thereof. 55 V., c. 42, s. 535, sub-s. 3, amended.

25. *The Consolidated Municipal Act, 1892* is amended by adding thereto the following as section 554*b* :— 55 V. c. 42 amended.

554*b*. The council of every county, township, city, town or incorporated village through or adjoining which any toll road passes may enter into an agreement with the owner or owners of such toll road to expend on such road such statute labour or such sum of money as may be agreed upon for a limited number of years, and that at the end of the term of years agreed upon such toll road shall be made free and shall become the property of the municipality or municipalities in which the same is situate. Power to agree with owners of toll road as to the expenditure of statute labour thereon.

26. Sub-section 1 of section 630 of *The Consolidated Municipal Act, 1892*, is amended by adding at the end thereof the words, "or for the purchase and laying of mains and other appliances to connect with any existing system of waterworks." 55 V., c. 42, s. 630, sub-s. 1, amended.

27. Sub-section 3 of section 630 of *The Consolidated Municipal Act, 1892*, is repealed and the following substituted therefor :— 55 V., c. 42, s. 630, sub-s. 3, repealed.

(3). Section 614 of this Act shall not apply to any works constructed under the powers by this section conferred.

28. Sub-section 2 of section 630*a* of the said Act is repealed and the following substituted therefor :— 55 V., c. 42, s. 630*a*, sub-s. 2, repealed.

(2) Sections 614 and 624 of this Act shall not apply to work done under the provisions of this section.

55 V. c. 42 s. 636(*a*) amended.

29. Sub-section 1 of section 636*a* of *The Consolidated Municipal Act, 1892*, is amended by striking out the word "one-half" in the fifth line of the said section and inserting the word "two-thirds" in lieu thereof.

55 V., c. 42, s. 636*a*, sub-s. 2, amended.

30. Sub-section 2 of section 636*a* of the said Act is amended by adding at the end thereof the following:—

"Provided that in every such case any agreement which has been entered into between the municipal corporation and the street railway company defining the terms and conditions upon which the construction of such railway is to be authorized, shall be published in full with such by-law and all provisions of law respecting the publication in any newspaper or otherwise of any such by-law, shall also apply to such agreement."

55 V., c. 42, s. 637*a* amended.

31. Section 637*a* of *The Consolidated Municipal Act, 1892* is amended by inserting after the word "Act" in the fourth line of said section the words "and the council of every city," and substituting for the words "within its limits or within" in the seventh line in the said section the words "within or adjacent to its limits or within or adjacent to."

55 V., c. 42, s. 637*a* amended.

32. The said section 637*a* is further amended by adding thereto the following sub-sections:—

Debentures issued in aid of non-smelting works.

(*d*) The debentures to be issued for any such bonus may be issued at such time or times as may be provided in any by-law granting the bonus, and the issue thereof may be postponed until the conditions contained in such by-law have been fulfilled, or until such other time or times as may be provided for in the by-law.

Acquiring lands for smelting works.

(*e*) Any municipality granting aid by way or bonus for smelting works, may, for the promotion of such smelting works acquire lands within or adjacent to its limits, and may convey such lands to any person or corporation subject to such conditions as the municipality may deem expedient, and subject to the assent of the electors as provided by this section.

No. 197.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

The Municipal Amendment Act, 1893.

First Reading, , 1893.

Mr. HARDY.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 198.] **BILL.** [1893.

The Assessment Amendment Act, 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following sub-section :— 55 V. c. 48, s. 7, amended.

7*a*. The property belonging to any municipality, and in use as a public park whether situate within the municipality owning the same or in another municipality or municipalities.

2. *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following, as section 14*d* :— 55 V. c. 48 amended.

14*d*. The assessors of every municipality shall make an annual census of all the children in the municipality between the ages of five and twenty-one years, and the clerk shall report such census to the public school inspector and to the secretary of the board of trustees. In the case of townships the clerk shall report to the inspector of the division and to the secretary of each school section. Assessors to make lists of children between 5 and 21 years of age.

3. Sub-section 5 of section 47 of *The Consolidated Assessment Act, 1892*, is repealed. 55 V., c 48, s. 47, sub-s. 5, repealed.

4. Section 47*a* of *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following sub-section :— 55 V., c. 48*a*, amended.

(2). Where a ratepayer who has in the next preceding year been assessed as a public school supporter, is being assessed as a separate school supporter, or where a ratepayer who has in the next preceding year been assessed as a separate school supporter, is being assessed as a public school supporter, it shall be the duty of the assessor to give, in addition to the notices which he is now required to give, a written or printed notice to such ratepayer that such change is being made. Notice to be given of change in assessment as public or separate school supporter.

5. Sub-section 1 of section 64 of *The Consolidated Assessment Act 1892*, is amended by adding at the end thereof the following words : "and shall give a name and address where notices can be served by the clerk as hereinafter provided." 55 Vict., c. 48, sec. 64, sub-sec. amended.

6. *The Consolidated Assessment Act, 1892*, is amended by adding thereto, after section 172 (*a*), the following section :— 55 V. c. 48, amended.

172 (*b*) No sale of lands for taxes in any town or city shall be invalid by reason of there having been sufficient distress upon such lands to satisfy the taxes charged against the same, and of no distress having been made thereon for such taxes. Certain irregularities not to invalidate tax sales in cities,

No. 198.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

The Assessment Amendment Act, 1893.

First Reading, 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 199.] BILL. [1893.

An Act respecting Aid to certain Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid to be granted to

1. There shall be granted out of the Consolidated Revenue fund to the undermentioned railway companies for the construction of the portions of railway hereinafter mentioned, that is to say:—

Irondale, Bancroft and Ottawa Ry.

(1) To the Irondale, Bancroft and Ottawa Railway Company, from a point ten miles east of Irondale at the end of the portion of said railway to which aid was granted in 1892, and thence easterly not exceeding fifteen miles, a cash subsidy of $3,000 per mile.

Ottawa, Arnprior and Parry Sound Ry.

(2) To the Ottawa, Arnprior and Parry Sound Railway Company, from Barry's Bay westerly a distance not exceeding thirty-five miles, a cash subsidy of $3,000 per mile.

Kingston, Napanee and Western Ry.

(3) To the Kingston, Napanee and Western Railway Company for such extensions or branches of its projected and authorized line of railway north of the village of Tweed as will not exceed thirty miles in all, and will enable the said company to connect its existing line of railway with the iron ore deposits lying northward of said village of Tweed, a cash subsidy of $3,000 per mile.

Central Counties Ry.

(4) To the Central Counties Railway Company (in lieu of the subsidy of $100,000 granted by chapter 41 of the Acts passed in the 55th year of Her Majesty's reign to the Vaudreuil and Ottawa Railway Company), from Hawkesbury on the Ottawa river southerly through or near Vankleek Hill, and thence westerly and south-westerly through or near Caledonia Springs, Alfred and Clarence Creek to South Indian, a village on the line of the Canada Atlantic Railway, a distance not exceeding forty-six miles, a cash subsidy of $2,000 per mile.

52 V. c. 35, ss. 2 and 3 to apply.

2. All the provisions of section 2 of chapter 35 of the Act passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made, saving and excepting that in the case of the Central Counties Railway, the half-yearly payments therein provided for shall be computed on the basis of $2,000 per mile.

Subsidies not earned within five years to lapse.

3. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act, shall lapse and revert to the consolidated revenue fund of the Province.

Land set apart from railway subsidy fund.

4. For the purpose of forming a subsidy fund there is hereby set apart so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Irondale, Bancroft, and Ottawa Railway, the Ottawa, Arnprior and Parry Sound Railway, and the Kingston, Napanee and Western Railway, to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to 10 inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's Reign.

No. 199.

3rd Session, 7th Legislature, 56 Vict., 1893

BILL.

An Act respecting Aid to certain Railways.

First Reading, , 1893.

Mr. HARDY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 200.] **BILL.** [1893.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-three, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS it appears by messages from His Honour, the Honourable George Airey Kirkpatrick, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-three; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

$3,651,789.65 granted out of the Consolidated Revenue Fund for certain purposes. **1.** From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and fifty-one thousand seven hundred and eighty-nine dollars and sixty-five cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and ninety-three as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-four as set forth in schedule B to this Act.

Accounts to be laid before the Legislature. **2.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-three, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-three and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House	$1,950 00	
Lieutenant-Governor's Office	3,980 00	
Executive Council and Attorney-General's Office	20,350 00	
Education Department	19,950 00	
Crown Lands Department	58,150 00	
Department of Public Works	21,650 00	
Inspection of Public Institutions	16,225 00	
Treasury Department	42,515 00	
Department of Agriculture	16,700 00	
Secretary and Registrar's Department	19,755 00	
Department of Immigration	1,800 00	
Provincial Board of Health	8,350 00	
Miscellaneous	15,750 00	
		$247,125 00

LEGISLATION.

To defray expenses of Legislation $123,800 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	$57,553 50	
Surrogate Judges and Local Masters	23,612 00	
Miscellaneous Criminal and Civil Justice	321,434 00	
		$402,599 50

Education.

To defray expenses of :—

Public and Separate Schools	$242,197 30	
Schools in Unorganized Districts and Poor Schools	35,000 00	
Kindergarten Schools	4,286 25	
Night Schools	1,518 00	
Public School Leaving Examinations	3,000 00	
High Schools and Collegiate Institutes	100,000 00	
Model Schools	9,150 00	
Special grant to French Training School	800 00	
do Public Schools in unorganized districts for training District Teachers	1,000 00	
Teachers' Institutes	2,400 00	
Inspection of Schools	58,300 00	
Departmental Examinations	19,150 00	
Ontario School of Pedagogy (maintenance)	6,750 00	
Normal and Model Schools, Toronto	23,540 00	
Normal " " Ottawa	22,440 00	
Library and Museum	5,350 00	
School of Practical Science	18,865 00	
Mechanics' Institutes, Art Schools, Literary and Scientific	51,700 00	
Miscellaneous	2,000 00	
Superannuated and Public and High School Teachers	61,300 00	
		$668,746 55

Public Institutions' Maintenance.

To defray expenses of :—

Asylum for the Insane, Toronto	$100,061 00	
Mimico Branch	73,168 00	
Asylum for the Insane, London	130,328 00	
Asylum for the Insane, Kingston	80,273 00	
Asylum for the Insane, Hamilton	115,921 00	
Asylum for Idiots, Orillia	62,261 00	
Central Prison, Toronto	75,145 00	
Provincial Reformatory, Penetanguishene	37,350 00	
Institution for the Deaf and Dumb, Belleville	45,659 00	
Institution for the Blind, Brantford	35,432 00	
Mercer Reformatory for Females	28,356 00	
		$783,954 00

Immigration.

To defray expenses of a grant in aid of Immigration $8,160 00

Agriculture.

To defray expenses of a grant in aid of Agriculture $180,037 00

Hospitals and Charities.

To defray expenses of a grant in aid of Hospitals and Charities		$168,699 79

Maintenance and Repairs of Government and Departmental Buildings.

Government House	$ 7,500 00	
Old Parliament Buildings	3,800 00	
Parliament Buildings	35,610 00	
Education Department (Normal School Building)	9,200 00	
Miscellaneous	3,260 00	
Normal School, Ottawa	3,750 00	
School of Practical Science	3,000 00	
Agricultural College	6,750 00	
Osgoode Hall	8,640 00	
		$81,510 00

Public Buildings.

Asylum for the Insane, Toronto	$ 8,700 00	
Mimico Cottages	18,480 00	
Asylum for the Insane, London	26,535 00	
Asylum for the Insane, Hamilton	27,700 00	
Asylum for the Insane, Kingston	15,500 00	
Asylum for Idiots, Orillia	4,100 00	
Reformatory, Penetanguishene	6,605 00	
Reformatory for Females, Toronto	3,145 00	
Central Prison, Toronto	63,590 00	
Deaf and Dumb Institute, Belleville	15,255 00	
Blind Institute, Brantford	2,030 00	
Agricultural College, Guelph	21,100 00	
Normal School and Education Depart't, Toronto	2,800 00	
Normal School, Ottawa	6,000 00	
School of Practical Science, Toronto	13,920 00	
Osgoode Hall, Toronto	8,500 00	
Government House, Toronto	8,000 00	
District of Algoma	2,500 00	
Thunder Bay District	1,800 00	
Rainy River District	4,500 00	
Muskoka District	2,100 00	
Parry Sound District	1,600 00	
Nipissing District	4,500 00	
Miscellaneous	200 00	
New Parliament Buildings	110,291 00	
		$379,451 00

PUBLIC WORKS.

To defray expenses of Public Works	$33,595 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs	$112,450 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	$130,309 00

REFUNDS.

Education	$1,000 00	
Crown Lands	18,500 00	
Municipalities Fund	1,459 92	
Land Improvement Fund	2,541 23	
		$23,501 15

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	$177,851 66

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses	$50,000 00
Total estimates for expenditure of 1893	$3,571,789 65

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-four, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1894	$ 80,000 00
Total	$3,651,789 65

No. 200.

3rd Session, 7th Legislature, 56 Vict., 1893.

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-three, and for other purposes therein mentioned.

First Reading,	26th	May,		1893.
Second	"	26th	"	1893.
Third	"	26th	"	1893.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.